

40:48-2.57

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 179
NJSA: 40:48-2.57 (Municipal remediation ordinances)
BILL NO: A2478 (Substituted for S1307)
SPONSOR(S): Gibson and Kelly
DATE INTRODUCED: May 22, 2000
COMMITTEE: **ASSEMBLY:** Solid and Hazardous Wastes
SENATE: Environment

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 28, 2001
SENATE: June 21, 2001

DATE OF APPROVAL: July 26, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (2nd reprint enacted)

(Amendments during passage denoted by superscript numbers)

A2478

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1307

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

Bill and Sponsors Statement identical to A2478

COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes
FLOOR AMENDMENT STATEMENTS:		No
LEGISLATIVE FISCAL ESTIMATE:		No
VETO MESSAGE:		No
GOVERNOR'S PRESS RELEASE ON SIGNING:		Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

ASSEMBLY, No. 2478

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

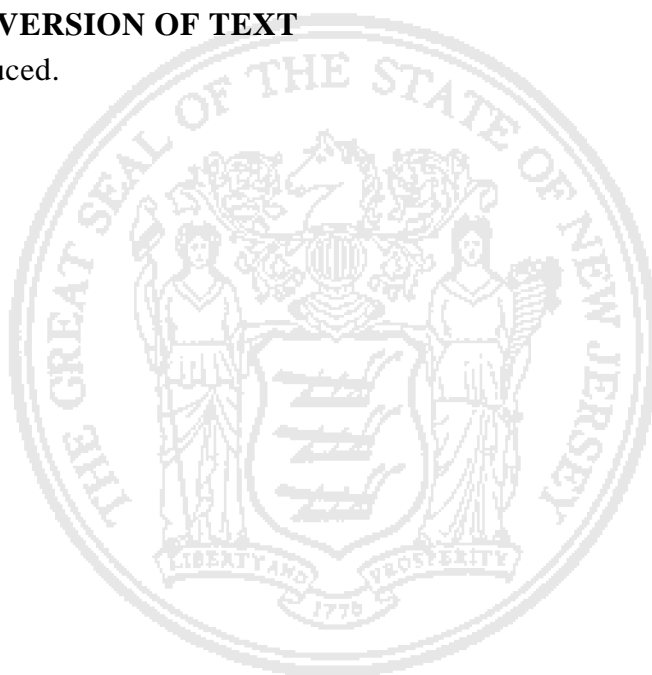
Assemblyman Moran

SYNOPSIS

Provides that municipal remediation ordinances shall not apply to remediations conducted under DEP oversight.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning municipal regulation of contaminated site
2 remediation and supplementing P.L.1993, c.139.

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

6
7 1. No ordinance adopted by the governing body of a municipality
8 establishing soil and groundwater investigation requirements,
9 remediation standards, remediation practices, and remediation
10 disclosure requirements shall apply to any property for which any
11 person is conducting a remedial investigation or remediation under the
12 oversight of the Department of Environmental Protection pursuant
13 to P.L.1993, c.139, provided that such person, as a condition of any
14 development approval by the municipality, obtains a no further action
15 letter from the department. No ordinance adopted by the governing
16 body of a municipality shall require the disclosure of information
17 regarding the remediation of property that is not required by the
18 department as part of a remediation conducted under the oversight of
19 the department. Any ordinance adopted by the governing body of a
20 municipality establishing soil and groundwater investigation
21 requirements, remediation standards, remediation practices, and
22 disclosure requirements shall apply uniformly to all property within the
23 municipality.

24
25 2. This act shall take effect immediately.

26
27
28 STATEMENT

29
30 This bill would provide that any municipal ordinance establishing
31 procedures and standards for the remediation of contaminated
32 property would not apply to property for which any person is
33 conducting a remedial investigation or remediation under the
34 oversight of the Department of Environmental Protection pursuant
35 to P.L. 1993, c. 139, provided that such person, as a condition of any
36 development approval by the municipality, obtains a no further action
37 letter from the department. This bill would further provide that no
38 such municipal ordinance shall require the disclosure of information
39 regarding the remediation of property that is not required by the
40 Department of Environmental Protection as part of a remediation
41 conducted under the oversight of the department. This bill would also
42 provide that any such municipal ordinance would apply uniformly to
43 all property within the municipality.

ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2478

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 2001

The Assembly Solid and Hazardous Waste Committee reports favorably Assembly Bill No. 2478 with committee amendments.

As amended, this bill would provide that any relevant municipal ordinance would not apply to property for which any person is conducting actions related to historic pesticide contamination under the oversight of the Department of Environmental Protection, provided that such person, as a condition of any development approval by the municipality, obtains a full site no further action letter from the department.

[First Reprint]

ASSEMBLY, No. 2478

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

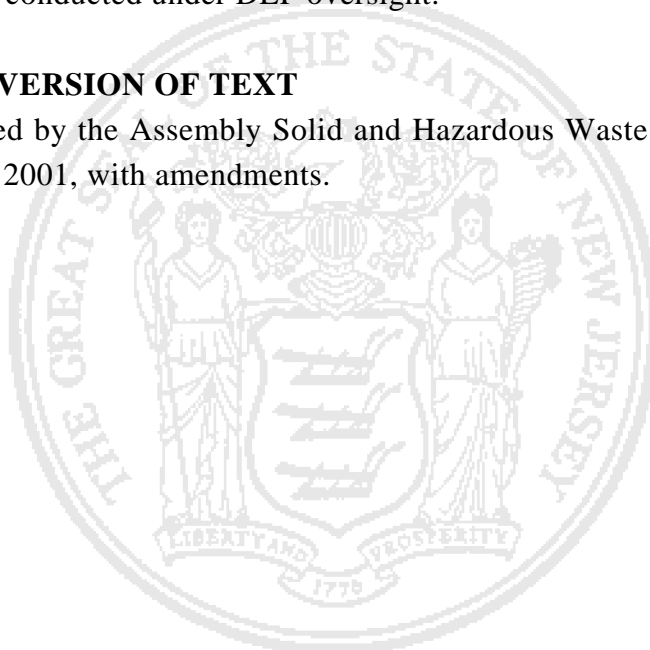
Assemblyman Moran

SYNOPSIS

Provides that municipal remediation ordinances shall not apply to remediations conducted under DEP oversight.

CURRENT VERSION OF TEXT

As reported by the Assembly Solid and Hazardous Waste Committee on February 15, 2001, with amendments.



1 AN ACT concerning municipal regulation of contaminated site
2 remediation ¹[and supplementing P.L.1993, c.139]¹.

3

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

6

7 1. No ordinance adopted by the governing body of a municipality
8 ¹[establishing soil and groundwater investigation requirements,
9 remediation standards, remediation practices, and remediation
10 disclosure requirements]¹ shall apply to any property for which any
11 person is conducting ¹[a remedial investigation or remediation]
12 actions related to historic pesticide contamination¹ under the oversight
13 of the Department of Environmental Protection ¹[pursuant to
14 P.L.1993, c.139]¹, provided that such person, as a condition of any
15 development approval by the municipality, obtains a ¹full site¹ no
16 further action letter from the department. ¹[No ordinance adopted by
17 the governing body of a municipality shall require the disclosure of
18 information regarding the remediation of property that is not required
19 by the department as part of a remediation conducted under the
20 oversight of the department. Any ordinance adopted by the governing
21 body of a municipality establishing soil and groundwater investigation
22 requirements, remediation standards, remediation practices, and
23 disclosure requirements shall apply uniformly to all property within the
24 municipality.]¹

25

26 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASH committee amendments adopted February 15, 2001.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2478

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 24, 2001

The Senate Environment Committee reports favorably Assembly Bill No. 2478 (1R) with committee amendments.

This bill would provide that any relevant municipal ordinance would not apply to property for which any person is conducting actions related to historic pesticide contamination under the oversight of the Department of Environmental Protection, provided that such person, as a condition of any development approval by the municipality, obtains a full site no further action letter from the department.

The committee amendments would make a technical correction to the bill's title and would specify that the limitations of the bill apply to municipal ordinances governing historic pesticide contamination.

As amended, this bill is identical to Senate Bill No. 1307 which was also amended by the committee.

[Second Reprint]

ASSEMBLY, No. 2478

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 22, 2000

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN V. KELLY

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

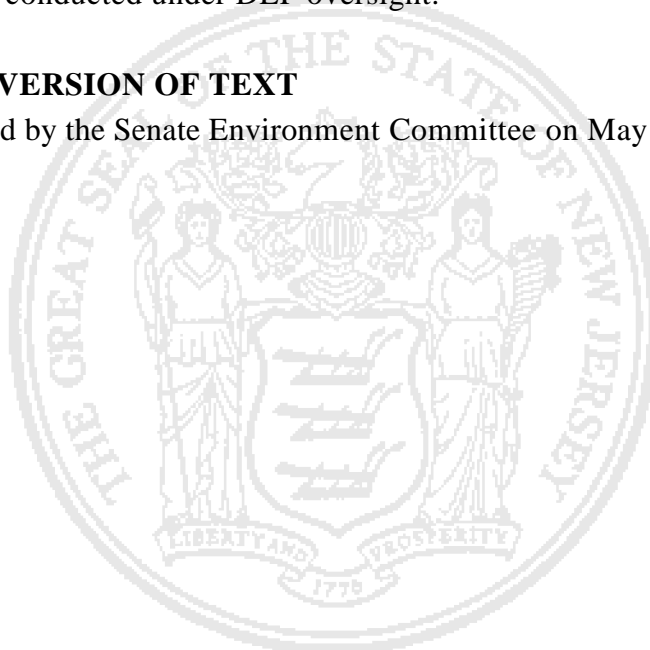
Assemblyman Moran and Senator Bennett

SYNOPSIS

Provides that municipal remediation ordinances shall not apply to remediations conducted under DEP oversight.

CURRENT VERSION OF TEXT

As reported by the Senate Environment Committee on May 24, 2001, with amendments.



(Sponsorship Updated As Of: 6/22/2001)

1 AN ACT concerning municipal regulation of contaminated site
2 remediation ¹[and supplementing P.L.1993, c.139]¹ ²and
3 supplementing Title 40 of the Revised Statutes².

4

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

7

8 1. No ordinance ²governing the investigation or cleanup of historic
9 pesticide contamination² adopted by the governing body of a
10 municipality ¹[establishing soil and groundwater investigation
11 requirements, remediation standards, remediation practices, and
12 remediation disclosure requirements]¹ shall apply to any property for
13 which any person is conducting ¹[a remedial investigation or
14 remediation] actions related to historic pesticide contamination¹ under
15 the oversight of the Department of Environmental Protection
16 ¹[pursuant to P.L.1993, c.139]¹, provided that such person, as a
17 condition of any development approval by the municipality, obtains a
18 ¹full site¹ no further action letter from the department. ¹[No
19 ordinance adopted by the governing body of a municipality shall
20 require the disclosure of information regarding the remediation of
21 property that is not required by the department as part of a
22 remediation conducted under the oversight of the department. Any
23 ordinance adopted by the governing body of a municipality establishing
24 soil and groundwater investigation requirements, remediation
25 standards, remediation practices, and disclosure requirements shall
26 apply uniformly to all property within the municipality.]¹

27

28 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASH committee amendments adopted February 15, 2001.

² Senate SEN committee amendments adopted May 24, 2001.

SENATE, No. 1307

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 18, 2000

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

SYNOPSIS

Provides that municipal remediation ordinances shall not apply to remediations conducted under DEP oversight.

CURRENT VERSION OF TEXT

As introduced.



S1307 BENNETT

2

1 **AN ACT** concerning municipal regulation of contaminated site
2 remediation and supplementing P.L.1993, c.139.

3

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

6

7 1. No ordinance adopted by the governing body of a municipality
8 establishing soil and groundwater investigation requirements,
9 remediation standards, remediation practices, and remediation
10 disclosure requirements shall apply to any property for which any
11 person is conducting a remedial investigation or remediation under the
12 oversight of the Department of Environmental Protection pursuant to
13 P.L.1993, c.139, provided that such person, as a condition of any
14 development approval by the municipality, obtains a no further action
15 letter from the department. No ordinance adopted by the governing
16 body of a municipality shall require the disclosure of information
17 regarding the remediation of property that is not required by the
18 department as part of a remediation conducted under the oversight of
19 the department. Any ordinance adopted by the governing body of a
20 municipality establishing soil and groundwater investigation
21 requirements, remediation standards, remediation practices, and
22 disclosure requirements shall apply uniformly to all property within the
23 municipality.

24

25 2. This act shall take effect immediately.

26

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STATEMENT

29

30 This bill would provide that any municipal ordinance establishing
31 procedures and standards for the remediation of contaminated
32 property would not apply to property for which any person is
33 conducting a remedial investigation or remediation under the oversight
34 of the Department of Environmental Protection pursuant to P.L.1993,
35 c.139, provided that such person, as a condition of any development
36 approval by the municipality, obtains a no further action letter from the
37 department. This bill would further provide that no such municipal
38 ordinance shall require the disclosure of information regarding the
39 remediation of property that is not required by the Department of
40 Environmental Protection as part of a remediation conducted under the
41 oversight of the department. This bill would also provide that any
42 such municipal ordinance would apply uniformly to all property within
43 the municipality.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1307

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 24, 2001

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 1307.

As amended, this bill would provide that any municipal ordinance governing historic pesticide contamination would not apply to property for which any person is conducting actions related to historic pesticide contamination under the oversight of the Department of Environmental Protection, provided that such person, as a condition of any development approval by the municipality, obtains a full site no further action letter from the department.

This bill, as amended, is identical to Assembly Bill No. 2478 (1R) as amended by the committee.

[First Reprint]

SENATE, No. 1307

STATE OF NEW JERSEY

209th LEGISLATURE

INTRODUCED MAY 18, 2000

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

SYNOPSIS

Provides that municipal remediation ordinances shall not apply to remediations conducted under DEP oversight.

CURRENT VERSION OF TEXT

As reported by the Senate Environment Committee on May 24, 2001, with amendments.



1 AN ACT concerning municipal regulation of contaminated site
2 remediation and supplementing ¹[P.L.1993, c.139] Title 40 Of the
3 Revised Statutes¹.

4

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

7

8 1. No ordinance ¹governing the investigation or cleanup of historic
9 pesticide contamination¹ adopted by the governing body of a
10 municipality ¹[establishing soil and groundwater investigation
11 requirements, remediation standards, remediation practices, and
12 remediation disclosure requirements]¹ shall apply to any property for
13 which any person is conducting ¹[a remedial investigation or
14 remediation] actions related to historic pesticide contamination¹ under
15 the oversight of the Department of Environmental Protection
16 ¹[pursuant to P.L.1993, c.139]¹, provided that such person, as a
17 condition of any development approval by the municipality, obtains a
18 ¹full site¹ no further action letter from the department. ¹[No
19 ordinance adopted by the governing body of a municipality shall
20 require the disclosure of information regarding the remediation of
21 property that is not required by the department as part of a
22 remediation conducted under the oversight of the department. Any
23 ordinance adopted by the governing body of a municipality establishing
24 soil and groundwater investigation requirements, remediation
25 standards, remediation practices, and disclosure requirements shall
26 apply uniformly to all property within the municipality.]¹

27

28 2. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 24, 2001.

P.L. 2001, CHAPTER 179, *approved July 26, 2001*
Assembly, No. 2478 (*Second Reprint*)

1 AN ACT concerning municipal regulation of contaminated site
2 remediation ¹[and supplementing P.L.1993, c.139]¹ ²and
3 supplementing Title 40 of the Revised Statutes².

4

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

7

8 1. No ordinance ²governing the investigation or cleanup of historic
9 pesticide contamination² adopted by the governing body of a
10 municipality ¹[establishing soil and groundwater investigation
11 requirements, remediation standards, remediation practices, and
12 remediation disclosure requirements]¹ shall apply to any property for
13 which any person is conducting ¹[a remedial investigation or
14 remediation] actions related to historic pesticide contamination¹ under
15 the oversight of the Department of Environmental Protection
16 ¹[pursuant to P.L.1993, c.139]¹, provided that such person, as a
17 condition of any development approval by the municipality, obtains a
18 ¹full site¹ no further action letter from the department. ¹[No
19 ordinance adopted by the governing body of a municipality shall
20 require the disclosure of information regarding the remediation of
21 property that is not required by the department as part of a
22 remediation conducted under the oversight of the department. Any
23 ordinance adopted by the governing body of a municipality establishing
24 soil and groundwater investigation requirements, remediation
25 standards, remediation practices, and disclosure requirements shall
26 apply uniformly to all property within the municipality.]¹

27

28 2. This act shall take effect immediately.

29

30

31

32

33 Provides that municipal remediation ordinances shall not apply to
34 remediations conducted under DEP oversight.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASH committee amendments adopted February 15, 2001.

² Senate SEN committee amendments adopted May 24, 2001.

CHAPTER 179

AN ACT concerning municipal regulation of contaminated site remediation and supplementing Title 40 of the Revised Statutes.

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

C.40:48-2.57 Municipal remediation ordinances, inapplicability to sites under DEP oversight.

1. No ordinance governing the investigation or cleanup of historic pesticide contamination adopted by the governing body of a municipality shall apply to any property for which any person is conducting actions related to historic pesticide contamination under the oversight of the Department of Environmental Protection, provided that such person, as a condition of any development approval by the municipality, obtains a full site no further action letter from the department.

2. This act shall take effect immediately.

Approved July 26, 2001.

Office of the Governor

PO BOX 004
TRENTON, NJ 08625

NEWS RELEASE

CONTACT: Rae Hutton
or Kristin Zebrowski
609-777-2600

RELEASE: July 27 , 2001

Acting Governor Donald T. DiFrancesco signed the following legislation:

A-2478, sponsored by Senate Majority Leader, John Bennett (R-Monmouth) and Assemblymen Jack Gibson (R-Cape May/Atlantic/Cumberland) and John Kelly (R-Bergen/Essex/Passaic), provides that any relevant municipal ordinance would not apply to property for which any person is conducting actions related to historic pesticide contamination under the oversight of the Department of Environmental Protection, provided that such person, as a condition of any development approval by the municipality, obtains a full-site no further action letter from the department.

A-1755, sponsored by Assembly members David Wolfe (R-Monmouth/Ocean) and Joel Weingarten (R-Essex/Union), expands indemnification for school board members and employees and establishes a code of ethics for school board members.

S-78, sponsored by Senator Raymond Zane (R-Salem/Cumberland/Gloucester) and Assemblymen George Geist (R-Camden/Gloucester) and Kip Bateman (R-Morris/ Somerset), prohibits insurers from requiring filing of municipal court complaint as precondition to payment of certain claims.

A-1332, sponsored by Senators Peter Inverso (R-Mercer/Middlesex) and Robert Singer (R-Burlington/Monmouth/Ocean) and the late Assemblyman Alan Augustine (R-Middlesex/Morris/Somerset/Union), allows stalking victims protected by temporary restraining orders to register to vote without disclosing their street address.

AJR-49, sponsored by Senator Raymond Lesniak (D-Union) and Assemblymen Kip Bateman (R-Morris/Somerset) and Richard Bagger (R-Middlesex/Morris/Somerset/ Union), designates the third Thursday of October of each year as "New Jersey Credit Union Day."

S-1978, sponsored by Senators Gerald Cardinale (R-Bergen) and Anthony Bucco (R-Morris) and Assemblymen Kip Bateman (R-Morris/Somerset) and Peter Biondi (R- Morris/Somerset), provides that records of dispositive or final judgments in bankruptcies, records regarding collateral and the perfection of security interests and records of transfers by a financial institution of collateral that is real property shall be retained for six years as opposed to the current 20-year period.