

58: 10-23.20 to 58: 10-23.24 ✓

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:10-23.20 to 58:10-23.24 (Hazardous Substance Contingency Response Task Force)

LAWS OF: 1983 **CHAPTER:** 222

BILL NO: A1255

Sponsor(s): Lesniak

Date Introduced: May 2, 1982

Committee: Assembly: Agriculture and Environment
Senate: Energy and Environment

Amended during passage: Yes Amendments denoted by asterisks according to Governor's recommendations

Date of Passage: **Assembly:** July 1, 1982 Re-enacted 4-28-83
Senate: January 27, 1983 Re-enacted 1-16-83

Date of Approval: June 27, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes 5-24-82 and 6-28-82
Senate Yes 11-8-82 and 1-20-83

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

Report, referred to in statements:

974.90 Analysis of New Jersey's hazardous waste site cleanup program, prepared
P777 by ICF Incorporated . . . April, 1985.
1985b

(OVER)

974.90
P777
1985c

New Jersey hazardous waste facilities plan prepared by Environmental
Resources Management Corp. March, 1985. Trenton, 1985.

6-27-83

[FOURTH OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1255

STATE OF NEW JERSEY

INTRODUCED MAY 3, 1982

By Assemblymen LESNIAK and DEVERIN

Referred to Committee on Agriculture and Environment

AN ACT ****[establishing a Hazardous Substance Contingency Response Task Force]**** *****concerning the cleanup of chemical contamination*****, supplementing Title ***[13]*** ****58**** of the Revised Statutes, and making an appropriation.

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

1 1. The Legislature finds and declares that:

2 a. The recognition of the threat of serious, and in some cases
3 irreversible, environmental pollution by toxic chemicals stored,
4 legally or otherwise, at various sites around the State has
5 prompted the recent need for a systematic and consistent approach
6 to the detoxification of those sites;

7 **b. Pioneering efforts in responding to those environmental*
8 *threats have been undertaken by agencies of this State thereby*
9 *adding to the store of knowledge and experience necessary for*
10 *prompt and efficient ***[chemical contamination]*** ***hazardous*
10A *discharge*** response;**

11 **[b.]* *c.** Serious allegations have been made that efforts to
12 detoxify sites of ****[chemical contamination]*** ***hazardous*
13 *discharge**** have been fraught with ineffective administration,
14 resulting in less than the most cost effective approach to the
15 cleanup of those sites, and the waste of funds made precious by
16 scarcity and the large number of sites needing remedial action;

17 **[c.]* *d.** To assure the adequate and most cost effective re-
18 sponse to chemical contamination, it is altogether fitting and proper
19 to *****[create a task force combining]**** ****utilize***** the
20 expertise of industry, academia and environmentally concerned

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 24, 1982.

**—Assembly committee amendment adopted June 28, 1982.

***—Senate committee amendments adopted November 8, 1982.

****—Assembly amendments adopted in accordance with Governor's recommendations April 11, 1983.

21 citizens to study prior cleanup efforts, identify programmatic in-
 22 efficiencies and ineffectiveness, and to recommend a contingency
 23 response plan which shall serve as the basis for a Statewide master
 24 plan for the cleanup of chemical contamination.

1 2. As used in this act:

2 a. "Department" means the Department of Environmental
 3 Protection;

4 b. ***["Hazardous substances" means those elements and com-
 5 pounds, including petroleum products, which are defined as such
 6 by the department, after public hearing, and which shall be con-
 7 sistent to the maximum extent possible with, and which shall
 8 include, the list of hazardous substances adopted by the Environ-
 9 mental Protection Agency pursuant to Section 311 of the "Federal
 10 Water Pollution Control Act" (33 U.S.C. § 1317); except that
 11 sewage and sewage sludge shall not be considered as hazardous
 12 substances for the purposes of this act;]*** ****"Hazardous dis-*
 12A *charge"* means a discharge of hazardous substances as defined in
 12B *subsection h. of section 3 of P. L. 1976, c. 141 (C. 58:10-23.11b).****

13 c. "Sites of chemical contamination" means abandoned or
 14 retired sites of hazardous substance disposal posing present or
 15 imminent threats to public health, property or the natural en-
 16 vironment, the owners of which are not identifiable or are judg-
 17 ment proof.

1 3. ***["There is established in the Department of Environmental
 2 Protection the "Hazardous Substance Contingency Response Task
 3 Force," which shall comprise *[13]* *20* members as follows: The
 4 Commissioner of Environmental Protection, or a designated repre-
 5 sentative, who shall be a nonvoting member; and *[12]* *19* voting
 6 members, including *[six members to be appointed by the Governor,
 7 with the advice and consent of the Senate, two of whom shall be
 8 experts in chemical contamination and detoxification from the
 9 academic community of the State, one of whom shall be a health
 10 official with expertise in environmental epidemiology, and one of
 11 whom shall be from the general public and have knowledge of chem-
 12 ical contamination and detoxification]* *the]**** *****The***** 13
 13 *members of the Hazardous Waste Advisory Council established*
 14 *pursuant to section 6 of P. L. 1981, c. 279 (C. 13:1E-54)* *****[;*
 15 *three members to be appointed by the President of the Senate, *one*
 16 *of whom shall be a representative of the chemical industry,* one of*
 17 *whom shall be an expert in chemical contamination and detoxifica-*
 18 *tion from the academic community of the State, and one of whom*
 19 *shall be an expert in environmental epidemiology; and three mem-*
 20 *bers to be appointed by the Speaker of the General Assembly, one of*

21 whom shall be a representative of the chemical industry, one of
 22 whom shall be from the general public with some knowledge of
 23 chemical contamination and detoxification, and one of whom shall be
 24 ***[an expert in environmental epidemiology]*** *a representative of*
 25 *a recognized organization of professional engineers*.*

1 4. The task force shall organize as soon as may be practicable
 2 after the appointment of its members and shall select a chairman
 3 from among the members and a secretary who need not be a
 4 a member of the task force.

1 5. It shall be the duty of the task force **]****** *shall*****, within
 2 **[120 days]*** *6 months** of the effective date of this act, ******[to**
 3 **conduct and]****** *conduct or cause to be conducted and*
 3A *shall***** transmit to the Legislature and the Governor:

4 a. A review and evaluation of the technical and financial prac-
 5 tices and procedures employed by public and private agencies
 6 involved in prior efforts to detoxify sites of *****[chemical contami-**
 7 **nation]****** *hazardous discharge*****, and an identification of any
 8 programmatic inefficiencies in those efforts;

9 b. A review and evaluation of models of chemical contamination
 10 contingency response planning, including those developed by fed-
 11 eral agencies, other states, and the chemical industry; and

12 c. Recommendations*, *after public hearing**, for the adoption, by
 13 the department, of a Hazardous Substance Contingency Response
 14 Master Plan, which recommendations shall include at least the
 14A following:

15 (1) A discovery and notification phase which shall prescribe
 16 procedures for the investigation and inventory of sites of *****[chemi-**
 17 **ical contamination]****** *hazardous discharge***** and the identi-
 18 fication of all parties and agencies that must be notified of the
 18A existence of those sites;

19 (2) A preliminary assessment phase which shall prescribe pro-
 20 cedures for evaluating the nature of the chemical contamination and
 21 the magnitude and scope of the hazard to the public health and
 22 natural resources of the State;

23 (3) A contingency response phase prescribing procedures for
 24 the removal or containment of any chemical contamination indi-
 25 cated by the preliminary assessment **[.]*** *;*

26 *(4) Criteria for the ranking of sites of ***[chemical contami-*
 27 *nation]**** *hazardous discharge*****;*

28 *(5) Identification of appropriate procedures for the involvement*
 29 *of the affected community.**

1 ******[6. The task force]****** *4. The council***** shall be en-
 2 titled to call to its assistance, and avail itself of the services of,

3 employees of any State, county or municipal department, board,
4 commission or agency as may be required and made available.

1 ****[7.]**** ****5.**** The department shall adopt, within
2 *[180 days]* *10 months* of the effective date of this act and pur-
3 suant to the "Administrative Procedure Act," P. L. 1968, c. 410
4 (C. 52:14B-1 et seq.), a Hazardous Substance Contingency Re-
5 sponse Master Plan which shall, to the greatest extent practicable
6 and feasible, incorporate the findings and recommendations of the
7 ****[task force]**** ****council****.

1 ****[8.]**** ****6.**** There is appropriated to the department
2 from the **[Hazardous Discharge Fund created pursuant to the
3 "Hazardous Discharge Bond Act," P. L. 1981, c. 275]** ***New*
4 *Jersey Spill Compensation Fund established by section 10 of P. L.*
5 *1976, c. 141 (C. 58:10-23.11i)***, the sum of \$100,000.00 for the
6 implementation, by the ****[task force]**** ****council****, of
7 the provisions of this act.

1 ****[9.]**** ****7.**** This act shall take effect immediately
2 *[and sections 1 through 6 hereof shall expire 120 days there-
3 after]*.

STATEMENT

This bill establishes a Hazardous Substance Contingency Response Task Force comprising representatives of the chemical industry, experts in chemical contamination and detoxification from academia, environmental epidemiologists and other members of the public with knowledge of chemical contamination and detoxification. The purpose of the task force is to develop a series of cleanup protocols which will guide the Department of Environmental Protection in responding to chemical contamination of the State's natural resources and concomitant threats to the public health and safety.

Because there have been serious allegations that previous hazardous cleanup efforts were plagued by programmatic as well as fiscal inefficiencies, it is necessary to develop a systematic and reliable plan which provides for the appropriate response to any contingency indicated by the specific circumstances at a site of chemical contamination.

The bill requires the Department of Environmental Protection to adopt, within 6 months of its effective date, a Hazardous Substance Contingency Response Master Plan incorporating the findings and recommendations of the task force.

The bill appropriates \$100,000.00 from the Hazardous Discharge Fund for the implementation of the provisions of the act.

A1255(1983)

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1255

STATE OF NEW JERSEY

DATED: MAY 24, 1982

This bill establishes a Hazardous Substance Contingency Response Task Force comprising representatives of the chemical industry, experts in chemical contamination and detoxification from academia, environmental epidemiologists and other members of the public with knowledge of chemical contamination and detoxification. The purpose of the task force is to develop a series of cleanup protocols which will guide the Department of Environmental Protection in responding to chemical contamination of the State's natural resources and concomitant threats to the public health and safety.

Because there have been serious allegations that previous hazardous cleanup efforts were plagued by programmatic as well as fiscal inefficiencies, it is necessary to develop a systematic and reliable plan which provides for the appropriate response to any contingency indicated by the specific circumstances at a site of chemical contamination.

The bill requires the Department of Environmental Protection to adopt, within 6 months of its effective date, a Hazardous Substance Contingency Response Master Plan incorporating the findings and recommendations of the task force.

The bill appropriates \$100,000.00 from the Hazardous Discharge Fund for the implementation of the provisions of the act.

The committee amended the bill to correct certain technical deficiencies in the bill; to add the members of the Hazardous Waste Advisory Council established pursuant to the Major Hazardous Waste Facility and Siting Act as members of the task force; and to extend the time period within which the task force is to submit its findings to the Legislature and the Governor from 4 to 6 months and within which the department shall adopt the master plan from 6 to 10 months.

The committee further amended the bill to delete the sunset provision and to direct the task force to develop criteria for ranking sites and to develop appropriate procedures for the involvement of affected communities.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1255

[OFFICIAL COPY REPRINT]
with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 28, 1982

This bill establishes a 20 member Hazardous Substance Contingency Response Task Force comprising representatives of the chemical industry, experts in chemical contamination and detoxification from academia, environmental epidemiologists and other members of the public with knowledge of chemical contamination and detoxification. Thirteen of the 20 members are also members of the Hazardous Waste Advisory Council established by the Major Hazardous Waste Facility and Siting Act. The purpose of the task force is to develop a series of cleanup protocols which will guide the Department of Environmental Protection in responding to chemical contamination of the State's natural resources and concomitant threats to the public health and safety. The task force is also charged to develop criteria for ranking sites and to develop appropriate procedures for the involvement of affected communities.

The task force is to submit its findings to the Governor and Legislature within six months from the effective date of the act.

The bill also requires the Department of Environmental Protection to adopt, within 10 months of its effective date, a Hazardous Substance Contingency Response Master Plan incorporating the findings and recommendations of the task force.

The bill appropriates \$100,000.00 from the New Jersey Spill Compensation Fund for the implementation of the provisions of the act.

COMMITTEE AMENDMENTS

Committee amendments change the source of the \$100,000.00 appropriation from the "Hazardous Discharge Fund" to the "New Jersey Spill Compensation Fund."

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1255

[OFFICIAL COPY REPRINT]

with Senate committee amendment

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1982

Assembly Bill No. 1255 OCR establishes a 20 member Hazardous Substance Contingency Response Task Force comprising representatives of the chemical industry, experts in chemical contamination and detoxification from academia, environmental epidemiologists and other members of the public with knowledge of chemical contamination and detoxification. Thirteen of the 20 members are also members of the Hazardous Waste Advisory Council established by the Major Hazardous Waste Facility and Siting Act. The purpose of the task force is to develop a series of cleanup protocols which will guide the Department of Environmental Protection in responding to chemical contamination of the State's natural resources and concomitant threats to the public health and safety. The task force is also charged to develop criteria for ranking sites and to develop appropriate procedures for the involvement of affected communities.

The task force is to submit its findings to the Governor and Legislature within six months from the effective date of the act.

The bill also requires the Department of Environmental Protection to adopt, within 10 months of its effective date, a Hazardous Substance Contingency Response Master Plan incorporating the findings and recommendations of the task force.

The bill appropriates \$100,000.00 from the New Jersey Spill Compensation Fund for the implementation of the provisions of the act.

The Senate Energy and Environment Committee made technical amendments to Assembly Bill No. 1255 OCR, to conform technical terminology to existing state statutes dealing with hazardous substances and hazardous discharges.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE REPRINT OF
ASSEMBLY, No. 1255
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JANUARY 20, 1983

Senate Reprint of Assembly Bill No. 1255, 2nd OCR, establishes a 20 member Hazardous Substance Contingency Response Task Force comprising representatives of the chemical industry, experts in chemical contamination and detoxification from academia, environmental epidemiologists and other members of the public with knowledge of chemical contamination and detoxification. Thirteen of the 20 members are also members of the Hazardous Waste Advisory Council established by the Major Hazardous Waste Facility and Siting Act.

The purpose of the task force is to develop a series of cleanup protocols which will guide the Department of Environmental Protection in responding to chemical contamination of the State's natural resources and concomitant threats to the public health and safety. The task force is also charged to develop criteria for ranking sites and to develop appropriate procedures for the involvement of affected communities.

The task force is to submit its findings to the Governor and Legislature within six months from the effective date of the act.

The bill also requires the Department of Environmental Protection to adopt, within 10 months of its effective date, a Hazardous Substance Contingency Response Master Plan incorporating the findings and recommendations of the task force.

The bill appropriates \$100,000.00 from the New Jersey Spill Compensation Fund for the implementation of the provisions of the act.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 11, 1983

ASSEMBLY BILL NO. 1255 (3rd OCR)

To the Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 1255 (3rd OCR) with my recommendations for reconsideration.

This bill creates a 20-member task force combining the expertise of industry, academia and environmentally-concerned citizens to study prior clean-up efforts involving chemical contamination, to identify programmatic inefficiencies and ineffectiveness in these efforts, and to recommend a contingency response plan which would serve as the basis for a statewide master plan for the cleanup of chemical contamination. The task force would develop cleanup protocols to guide the Department of Environmental Protection in responding to chemical contamination in the State, and also criteria for rating contamination sites on the basis of severity and the urgency of the need for cleanup. The bill also provides an appropriation of \$100,000.00 from the Spill Compensation Fund to carry out the work required by it.

The additional appointed members of the task force are unnecessary to carry out the tasks required by the bill. The Hazardous Waste Advisory Council itself is capable of designing a contingency response master plan for the Department. The process of appointing additional members will unnecessarily slow the work required by the bill. If the Council requires the help of additional experts or other consultants, the amendatory language I have recommended authorizing the Council to "cause [the work] to be conducted" will permit outside assistance to be retained by the Council.

Accordingly, I herewith return Assembly Bill No. 1255 (3rd OCR) with my recommendations for amendment:

Page 1, Section 1, Line 19: After "to" DELETE "create a task force combining" and INSERT "utilize"

Page 2, Section 3, Lines 1 - 12: DELETE entirely

Page 2, Section 3, Line 13: DELETE "the" and INSERT "3. The"

Page 2, Section 3, Line 14: After "(C.13:1E-54)" DELETE "; three members to be"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

Page 2, Section 3, Lines 15 - 25: DELETE entirely

Page 3, Section 4, Lines 1 - 4: DELETE entirely

Page 3, Section 5, Line 1: DELETE "5. It shall be the duty of the task force" and INSERT "shall"

Page 3, Section 5, Line 2: After "act," DELETE "to conduct and" and INSERT "conduct or cause to be conducted and shall"

Page 3, Section 6, Line 1: DELETE "6. The task force" and INSERT "4. The Council"

Page 4, Section 7, Line 1: DELETE "7. and" and INSERT "5."

Page 4, Section 7, Line 6: After "recommendations of the" DELETE "task force" and INSERT "Council"

Page 4, Section 8, Line 1: DELETE "8." and INSERT "6."

Page 4, Section 8, Line 6: After "by the" DELETE "task force" and INSERT "Council"

Page 4, Section 9, Line 1: DELETE "9." and INSERT "7." -

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards
Chief Counsel