

13:1J-1-14 13:1J-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:1J-1 to 13:1J-6 (Fissionable source material--prohibit extraction and processing)

LAWS 1981 CHAPTER 130

Bill No. S1492/A2020

Sponsor(s) Dorsey and others

Date Introduced Sept. 29, 1980

Committee: Assembly -----

Senate Energy and Environment

Amended during passage Yes ~~No~~ Committee Substitute (OCR) for S1492/A2020 enacted.

Date of Passage: Assembly March 2, 1981

Senate Feb. 19, 1981

Date of approval May 4, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ on A2020 and S1492

Committee Statement: Assembly ~~Yes~~ No

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings Yes ~~No~~

974.90 New Jersey. Legislature. Senate. Committee on
F953 Energy and Environment.
1981 Public hearing, held 1-20-81. Morristown,
N.J., 1981.

6/22/81

NOV 1981

5-4-81

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1492 and ASSEMBLY, No. 2020
 [OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JANUARY 29, 1981

AN ACT prohibiting the extraction or processing of fissionable
 source material

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 the exploration, mining
 2 or milling of fissionable source materials poses a significant danger
 3 to the public health, safety and welfare; that the hazards associated
 4 with these activities cannot now be prevented or satisfactorily
 5 minimized; that, therefore, unprecedented caution is needed in
 6 determining public policy pertaining to the exploration, mining and
 7 milling of fissionable source materials; that the prohibition of these
 8 activities is necessary at this time to insure the protection of the
 9 public health, safety and welfare; and that, during this prohibition,
 10 the Department of Environmental Protection should further study
 11 this issue and make recommendations for appropriate actions as
 12 hereinafter provided.

1 2. As used in this act:

2 a. "Fissionable source material" means

3 (1) Mineral ore which is extracted or processed with the inten-
 4 tion of permitting the product to become or to be further processed
 5 into fuel for nuclear fission reactors or weapons; or

6 (2) Mineral ore which contains uranium or thorium in concentra-
 7 tions which might reasonably be expected to permit economically
 8 profitable conversion or processing into fuel for nuclear fission
 9 reactors or weapons;

10 b. "Reconnaissance" means

11 (1) A geologic and mineral resource appraisal of a region by
 12 searching and analyzing published literature, aerial photography
 13 and geologic maps; or

14 (2) Use of geophysical, geochemical, and remote sensing tech-
 15 niques that do not involve road building, land clearing, the use of
 16 explosives, or the introduction of chemicals to a land or water area;

17 or

18 (3) Surface geologic, topographic or other mapping and prop-
19 erty surveying; or

20 (4) Sample collections which do not involve excavation or
21 drilling equipment, the use of explosives or the introduction of
22 chemicals to the land or water area.

1 3. No person shall explore, beyond the reconnaissance phase, or
2 extract, mill or process fissionable source materials in this State.

1 4. a. A person who violates this act shall be punished by a fine
2 of not more than \$10,000.00, to be collected in accordance with the
3 provisions of "the penalty enforcement law" (N. J. S. 2A:58-1 et
4-5 seq.). If the violation is of a continuing nature, each day during
6 which it continues shall constitute an additional, separate and
7 distinct offense.

8 b. In addition to the penalty provided above, if a person violates
9 this act, the attorney general may seek injunctive relief to prohibit
10 and prevent the violation.

1 5. a. The Department of Environmental Protection shall, within
2 6 years of the effective date of this act, prepare and transmit to the
3 Governor and the Legislature a report concerning the dangers
4 posed to the public health, safety and welfare by the exploration,
5 mining or processing of any fissionable source material in this
6 State. This report shall include recommendations for the prohibi-
7 tion or regulation of these activities upon the expiration of this act.

8 b. Prior to the preparation of this report, the Department of
9 Environmental Protection shall conduct public hearings in any
10 geographic area of this State which would be affected by the ex-
11 ploration, mining or processing of any fissionable material. Notice
12 of these hearings shall be published at least 30 days in advance
13 thereof in at least two newspapers circulating in the specific geo-
14 graphic area where the hearing will be held.

1 6. Nothing in this act shall be construed to:

2 a. Prohibit or impair any authority of the Department of En-
3 vironmental Protection to provide for the containment, cleanup or
4 removal of any fissionable source material which poses an im-
5 mediate or imminent danger to the public health, safety and welfare.

6 b. Supersede or prohibit the adoption, by the governing body of
7 any county or municipality, of any ordinance or resolution regulat-
8 ing or prohibiting the exploration, mining or processing of any
9 fissionable material.

1 7. This act shall take effect immediately and shall expire 7 years
2 from the date of enactment thereof.

SENATE, No. 1492

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1980

By Senators DORSEY, FORAN, HERBERT, DUMONT, VREELAND, GRAVES, HIRKALA, DiFRANCESCO, PARKER, CAFIERO, EWING and SHEIL

Referred to Committee on Energy and Environment

AN ACT prohibiting the extraction and processing of fissionable source material.

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

1 1. As used in this act:

2 a. "Fissionable source material" means:

3 (1) Uranium or thorium, or any combination thereof, in any
4 physical or chemical form;

5 (2) Ores which contain by weight 0.01% or more of

6 (a) Uranium;

7 (b) Thorium; or

8 (c) Any combination thereof.

9 b. "Reconnaissance" means

10 (1) A geologic and mineral resource appraisal of a region by
11 searching and analyzing published literature, aerial photography
12 and geologic maps; or

13 (2) Use of geophysical, geochemical, and remote sensing tech-
14 niques that do not involve road building, land clearing, the use of
15 explosives, or the introduction of chemicals to a land or water area;
16 or

17 (3) Surface geologic, topographic or other mapping and prop-
18 erty surveying; or

19 (4) Sample collections which do not involve excavation or drill-
20 ing equipment, the use of explosives or the introduction of chem-
21 icals to the land or water area.

1 2. No person shall explore, beyond the reconnaissance phase,
2 or extract, mill or process fissionable source materials in this State.

1 3. a. A person who violates this act shall be punished by a fine
2 of not more than \$10,000.00, to be collected in accordance with the

3 provisions of "the penalty enforcement law" (N. J. S. 2A:58-1
4 et seq.).

5 b. In addition to the penalty provided above, if a person violates
6 this act, the attorney general may seek injunctive relief to prohibit
7 and prevent the violation.

1 4. This act shall take effect immediately.

STATEMENT

This bill would prohibit the mining and processing of mineral
ores which contain uranium or thorium or which are mined with
the intention of their being processed into fuel for nuclear reactors
or weapons.

ASSEMBLY, No. 2020

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 22, 1980

By Assemblyman JACKMAN

(Without Reference)

AN ACT providing for the regulation of the exploration, mining and milling of fissionable source material in this State by the Department of Environmental Protection, directing the establishment of a permit process establishing standards to insure the public health and safety, and providing penalties for violations and making an appropriation therefor.

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 considerable questions
2 exist in the minds of the public concerning the dangers posed by
3 the exploration, mining and milling of uranium on the public
4 health and safety; that the citizens of the State of New Jersey are
5 entitled to the maximum protection possible from any and all
6 threats to their health and welfare which may result from the
7 mining of radioactive materials; and that the health hazards usually
8 associated with uranium exploration, mining and milling activities
9 can best be minimized by the regulation of such activities by the
10 State Government.

11 It is further declared that unprecedented caution is needed in
12 any public policy pertaining to the exploration, mining and milling
13 of uranium, due to the magnitude of the potential environmental
14 and known public health hazards involved in the processing of
15 radioactive substances; that the Department of Environmental
16 Protection shall study, adopt and implement rules and regulations
17 incorporating health and safety standards for the exploration, min-
18 ing and milling of uranium, including standards for the safe
19 storage of the radioactive wastes produced by such activities; and
20 that the dangers posed by these activities can best be reduced by
21 the development and implementation of a comprehensive and
22 coherent permit process and regulatory program administered by
23 the Department of Environmental Protection.

1 2. As used in this act:

2 a. "Commissioner" means the Commissioner of the Department
3 of Environmental Protection, or his designated representative;

4 b. "Department" means the Department of Environmental
5 Protection;

6 c. "Person" means and shall include corporations, companies,
7 associations, societies, firms, partnerships and joint stock com-
8 panies as well as individuals and governmental agencies;

9 d. "Exploration" means the exploration for fissionable source
10 material beyond the reconnaissance phase or the extraction or
11 processing of fissionable source material;

12 e. "Fissionable source material" means mineral ore which is
13 extracted or processed with the intention of permitting the product
14 to become or to be further processed into fuel for nuclear fission
15 reactors or weapons. "Fissionable source material" also means
16 mineral ore which contains uranium or thorium in concentrations
17 which might reasonably be expected to permit economically profit-
18 able conversion or processing into fuel for nuclear fission reactors
19 or weapons;

20 f. "Reconnaissance" means a geologic and mineral resource
21 appraisal of a region by searching and analyzing published litera-
22 ture, aerial photography and geologic maps. "Reconnaissance" also
23 means the use of geophysical, geochemical, and remote sensing tech-
24 niques that do not involve road building, land clearing, the use of
25 explosives, or the introduction of chemicals to a land or water area,
26 including surface geologic, topographic or other mapping and prop-
27 erty surveying. "Reconnaissance" shall also mean sample collec-
28 tions which do not involve excavation or drilling equipment, the use
29 of explosives or the introduction of chemicals to the land or water
30 area.

1 3. a. Subsequent to the effective date of this act, the provisions
2 of any other law to the contrary notwithstanding, no person shall
3 undertake, or cause to undertake, the exploration for fissionable
4 source material in this State until he has applied for and received
5 a permit issued by the department.

6 b. Nothing in this act shall be construed to prohibit the recon-
7 naissance for fissionable source material, except as may be other-
8 wise provided by law.

1 4. a. The Department of Environmental Protection, after consul-
2 tation with the Departments of Energy, Health and Labor and
3 Industry, shall, within 6 months of the effective date of this act,
4 prepare or cause to be prepared and adopt health and safety
5 standards for the exploration of fissionable source material, includ-

6 ing standards for the safe storage and disposal of the radioactive
7 wastes produced by such activities. The standards shall be based
8 upon land use planning criteria and objectives, environmental
9 requirements, public health and safety considerations, and concepts
10 of mineral ore extraction which include all necessary and appro-
11 priate protective or remedial measures to be taken with respect
12 to such activities.

13 b. For the purposes of developing the health and safety standards
14 hereinbefore provided, and to insure that such standards are
15 reasonably designed to prevent or abate harm to the environment
16 from radiation or radioactive contamination directly or indirectly
17 caused by the exploration for fissionable source material, the
18 department shall conduct a study of the environmental impact of
19 such activities upon the public health and safety. The study shall
20 include, but not necessarily be limited to, the following:

21 (1) A detailed description of the potential public health and
22 safety hazards associated with the exploration for fissionable
23 source material;

24 (2) Scientifically determined methods for the stabilization of
25 existing and future uranium mill tailings;

26 (3) Identification of sources of radiation or radioactive waste
27 contamination directly or indirectly resulting from uranium min-
28 ing and milling activities;

29 (4) Proposals for funding and managing the disposal and per-
30 petual care and maintenance of uranium mill tailings, including
31 Federal, industrial and State involvement.

1 5. a. Upon the completion of the requirements of section 4 of this
2 act, the department shall transmit copies of all rules and regulations
3 proposed pursuant to this act to the Senate and General Assembly
4 on a day on which both Houses shall be meeting on a regular or
5 special session. The provisions of the "Administrative Procedure
6 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), or any other law to
7 the contrary notwithstanding, no such rule or regulation, including
8 any rule or regulation adopted pursuant to the environmental
9 impact study mandated in section 4. b. herein, shall take effect if,
10 within 60 days of the date of its transmittal to the Senate and
11 General Assembly, the Legislature shall pass a concurrent resolu-
12 tion stating in substance that the Legislature does not favor such
13 proposed rule or regulation.

14 b. In the event that a disaffirming concurrent resolution is adopted
15 by the Legislature, the department shall reexamine its original
16 findings consistent with matters raised in the concurrent resolution.

17 Upon the conclusion of its reexamination, the department shall
18 report its findings and the reasons therefore to the Legislature.

19 c. Whenever the reexamined findings of the department are such
20 that the conditions of section 4 of this act have been met to the
21 satisfaction of the Legislature, the Legislature shall pass a concur-
22 rent resolution stating in substance that the Legislature favors
23 any such rule or regulations and, thereupon, the rules and regula-
24 tions submitted pursuant to subsection a. herein shall take effect.

1 6. The Department of Environmental Protection is hereby auth-
2 orized in accordance with the provisions of the "Administrative
3 Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to pro-
4 mulgate, adopt, and enforce any rules and regulations necessary
5 or appropriate to carry out the purposes and intent of this act.

1 7. Subsequent to the adoption of rules and regulations estab-
2 lished pursuant to section 6 of this act, any person proposing to
3 undertake the exploration for fissionable source material in this
4 State shall file an application for a permit with the department, in
5 such form and with such information as the commissioner may
6 prescribe, including information concerning the environmental
7 impact of the proposed exploration.

1 8. The department shall review filed applications, including any
2 written comments from the public and any information submitted
3 at a public hearing, held at the discretion of the commissioner, and
4 shall approve and issue a permit only if it finds that the proposed
5 exploration:

6 a. Conforms with the purpose and intent of this act or otherwise
7 promotes the public health, safety and welfare;

8 b. Complies with the health and safety standards established
9 pursuant to section 4 of this act;

10 c. Is located or constructed so as to neither endanger human life
11 or property nor otherwise impair the environment; and

12 d. Would result in minimal practicable degradation of unique or
13 irreplaceable land types, historical or archeological areas, and
14 existing scenic and aesthetic attributes at the site and within the
15 surrounding region.

1 9. In the event that the Federal Government preempts the
2 activity regulated by this act, either whole or in part, this act shall
3 be construed to regulate activity that has not been expressly pre-
4 empted by Federal law.

1 10. Any person who violates this act or any rule, or regulation
2 promulgated pursuant hereto, shall be liable to a penalty of not
3 more than \$2,500.00 for each offense, to be collected by the Depart-
4 ment of Environmental Protection in a summary proceeding under

5 “the penalty enforcement law” (N. J. S. 2A:58-1 et seq.) or in any
6 case before a court of competent jurisdiction wherein injunctive
7 relief is requested. If the violation is of a continuing nature, each
8 day during which it continues shall constitute an additional, sepa-
9 rate and distinct offense. The Department of Environmental Pro-
10 tection is hereby authorized to compromise and settle any claim for
11 penalty under this section in an amount in its discretion as may
12 appear appropriate in all these circumstances.

1 11. There is appropriated from the General Fund the sum of
2 \$50,000.00 to the Department of Environmental Protection to imple-
3 ment the provisions of this act.

1 12. This act shall take effect immediately.

STATEMENT

This legislation prohibits the exploration, mining and milling of uranium and other “fissionable source material” in New Jersey without a permit. The Department of Environmental Protection, upon consultation with the Departments of Energy, Health and Labor and Industry, is required to prepare and adopt health and safety standards for the exploration, mining and milling of uranium, including standards for the safe storage and disposal of radioactive wastes produced by such activities, within 6 months of the effective date of this bill. The Department of Environmental Protection is further required to base such standards upon the results of an environmental impact study it must undertake on the health and safety hazards associated with the exploration and extraction of radioactive mineral ores. Upon the completion of the study, the department shall submit its findings to the Legislature for its review. Upon receiving legislative approval, the department shall adopt rules and regulations to effectuate the purposes of this bill. Thereafter, the department shall establish a permit process for the exploration, mining and milling of uranium; permits shall only be issued to persons whose applications and proposed exploration projects conform to the Department’s health and safety standards.

SENATE ENERGY AND ENVIRONMENT COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1492 and ASSEMBLY, No. 2020
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JANUARY 29, 1981

This Senate committee substitute would ban the extraction, milling or processing of fissionable source materials in this State. This ban would "sunset" 7 years from the date of its enactment. During this time, the Department of Environmental Protection would conduct a study of the dangers posed to the public health, safety and welfare by these activities and, after public hearings held in the affected areas of the State, make recommendations to the Governor and the Legislature for the reenactment of the ban or for the regulation of the extraction, milling or processing of fissionable source materials.

FOR IMMEDIATE RELEASE
MAY 4, 1981

FOR FURTHER INFORMATION
PAT SHERNEY

GOVERNOR'S STATEMENT ON S-1482/A-2020

Today I am signing S-1482/A-2020 which imposes a seven-year moratorium on the exploration, mining and milling of fissionable source materials, including uranium.

During this seven-year period, the Department of Environmental Protection will conduct a study and report to the Governor and the Legislature on any potential dangers posed to the public health by this type of activity. The Department will also recommend either the prohibition or the regulation of uranium mining activity in New Jersey after the expiration of this Act.

The mining of fissionable source materials would be a new industrial activity in New Jersey and could potentially cause environmental problems about which little is currently known. It is therefore crucial that an extensive review be conducted, especially in light of the public health problems experienced in the southwest where uranium is now mined.

Here are some of the concerns I have that I want DEP to examine:

-- Uranium mining requires large amounts of water and could pose a potential threat to the quality and quantity of our groundwater systems.

-- Preliminary studies have indicated that the uranium deposits are in the northwestern section of the State, at the headwaters of major rivers and streams. The mining process generates radioactive waste materials known as tailings, which could pose a threat to the quality of our streams and drinking waters.

-- New Jersey's temperate climate facilitates the uptake of radioactivity into the biosphere.

-- Radioactive bi-products need to be landfilled.

-- The population density of northwestern New Jersey is far greater than in or around Grants, New Mexico, where mining is currently underway.

There is no appropriation for this study in the bill I am signing today, but DEP assures me that funding will be considered in subsequent budget authorizations.

-more-

Given the potentially serious consequences, I think this moratorium on certain activities is in the public interest.

The bill does not prohibit all activities relating to uranium mining. For example, reconnaissance work -- including geologic and mineral resource appraisal, certain collection of soil or mineral samples, and geophysical, geochemical and remote sensing techniques -- is not subject to the moratorium.

In addition, the national supply of uranium will not be threatened by this action. Scientific publications indicate that there is not now, nor is there likely to be a uranium shortage in the United States.

I am also aware that the Nuclear Regulator Commission (NRC) has primary authority over the milling and process of nuclear materials. However, my Counsel's Office informs me that the NRC'S authority does not specifically extend to the mining of uranium and therefore does not preempt state regulation of uranium mining.

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