

13:1E-38 to 42

LEGISLATIVE HISTORY CHECKLIST

NJSA 13:1E-38 to 13:1E-42

Laws of 1976 Chapter 99

Bill No. S1493

Sponsor(s) Dwyer

Date Introduced May 19, 1976

Committee: Assembly Energy & Natural Resources

Senate Energy & Environment

Amended during passage Yes No Amendments during passage denoted by asterisks.

Date of passage: Assembly August 5, 1976

Senate July 22, 1976

Date of approval Oct. 7, 1976

Following statements are attached if available:

Sponsor statement Yes No

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

For background see:

974.90 New Jersey. County & Municipal Government Study
M966 Commission.
1972f Seventh report, solid waste: a coordinated approach.
Trenton, 1972.

10/4/76
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CHAPTER 99 LAWS OF N. J. 19 76
APPROVED 10-7-76

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SENATE, No. 1493

STATE OF NEW JERSEY

INTRODUCED MAY 19, 1976

By Senator DWYER

Referred to Committee on Energy and Environment

A SUPPLEMENT to the "Solid Waste Management Act (1970)"
approved May 6, 1970 (P. L. 1970, c. 39; C. 13:1E-1 et seq.).

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

1 1. As used in this act, the following words and phrases shall
2 have the following meanings, unless the context clearly requires
3 another meaning:

4 a. "Bulk liquids" means liquid or semiliquid waste, including
5 petroleum products, which is contained within, or is discharged
6 from, any one vessel, tank or other container which has a capacity
7 of 20 or more gallons;

8 b. "Chemical waste" means a material normally generated by
9 or used in chemical, petrochemical, plastic, pharmaceutical, bio-
10 chemical or microbiological manufacturing processes or petroleum
11 refining processes, which has been selected for waste disposal and
12 which is known to hydrolize, ionize or decompose, which is soluble,
13 burns or oxidizes, or which may react with any of the waste
14 materials which are introduced into the landfill, or which is buoyant
15 on water, or which has a viscosity less than that of water or which
16 produces a foul odor. Chemical waste may be either hazardous or
17 nonhazardous.

18 c. "Hazardous waste" means any waste or combination of waste
19 which poses a present or potential threat to human health, living
20 organisms or the environment. "Hazardous waste" shall include,
21 but not be limited to, waste material that is toxic, corrosive, irritat-
22 ing, sensitizing, radioactive, biologically infectious, explosive, or
23 flammable;

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

24 d. "Leachate" is a liquid that has been in contact with solid
25 waste and contains dissolved or suspended materials from that
26 solid waste.

27 e. "Pesticide" means and includes any substance or mixture of
28 substances labeled, designed, intended for or capable of use in
29 preventing, destroying, repelling, sterilizing or mitigating any
30 insects, rodents, nematodes, predatory animals, fungi, weeds and
31 other forms of plant or animal life or viruses, except viruses on or
32 in living man or other animals. "Pesticide" shall also include any
33 substance or mixture of substances labeled, designed or intended
34 for use as a defoliant, desiccant or plant regulator.

35 ***f. "Commercial solid waste facility" means any solid waste*
36 *facility operated for profit which accepts any solid waste generated*
37 *from any other source and is subject to the jurisdiction of the Public*
38 *Utilities Commission pursuant to the provisions of P. L. 1970, c. 40*
39 *(C. 48:13A-1 et seq.).***

1 2. After January 1, 1977, no ***commercial*** solid waste facility
2 located within: ***[a.]*** ***[2 miles]*** ***1,000 yards** of a river flood
3 hazard area delineated ***prior to the effective date of this act***
4 pursuant to P. L. 1962, c. 19 (C. 58:16A-50 et seq.) ***[or b.]***
5 ***[2 miles]*** ***[*1,000 yards* of a major *[aquifer]* aquifer**
6 *which charges the well or well field which supplies directly or*
7 *through any system potable water for domestic use]***, shall accept
8 for disposal on or in the ground any hazardous waste, chemical
9 waste, bulk liquids or pesticides.

1 3. The registered operator of each solid waste facility shall
2 maintain a list of all hazardous wastes received for disposal,
3 treatment or storage during the past calendar year. The list shall
4 be forwarded to the department and to the municipality by Feb-
5 ruary 15 of each year. The list shall identify the material; source;
6 quantity; type of container in which disposed or stored, if any, and
7 how marked; the carrier delivering the material; shipping docu-
8 ment reference number; date received; type of treatment, if any;
9 and the location where disposed or stored.

1 4. Any solid waste facility accepting hazardous waste, chemical
2 waste, bulk liquids or pesticides for disposal or storage on or in
3 the ground, shall install monitoring wells which are constructed
4 and located in accordance with rules and regulations promulgated
5 by the department. Samples shall be taken from each well and
6 analyzed by a laboratory acceptable to the department at least
7 once every three months. Analyses shall be made for the factors
8 or determinations specified by the department. Results of the

9 analyses shall be furnished to the department within 30 days of
10 sampling. Should monitoring well analyses or any other means of
11 detection indicate to the department a real or potential threat to
12 the quality of the waters of this State by the solid waste facility,
13 the acceptance of hazardous waste, chemical waste, bulk liquids or
14 pesticides by the operator shall be immediately discontinued upon
15 the receipt of an order from the department requiring same. An
16 acceptable system of interception, collection, and treatment shall be
17 implemented at once and such treatment shall continue until the
18 threat to the waters of the State by the solid waste facility is
19 determined by the department to no longer exist. Prior to
20 reacceptance of the discontinued material, an engineering design
21 acceptable to the department which describes corrective measures
22 to prevent recurrence of the threat shall be submitted and the
23 design implemented.

1 5. After March 15, ***[1977]*** *1980*, no solid waste facility shall
2 accept or receive for disposal, any hazardous waste, chemical waste,
3 bulk liquid or pesticide unless such facility has installed a system
4 for the interception, collection and treatment of any and all leachate
5 generated at the facility, and has obtained approval from the
6 department for the entire system. Requests for department
7 approval may be in the form of an addendum to the registration
8 statement submitted in accordance with section 5 (C. 13:1E-5)
9 of the act to which this act is a supplement, shall be prepared by
10 a New Jersey licensed professional engineer, and shall include
11 detailed engineering drawings and specifications of the proposed
12 system. In addition, requests for department approval shall specify
13 the exact nature and quantity of the waste to be accepted at the
14 facility, the method of handling and treating those wastes, and
15 shall include proof that all necessary permits and licenses have
16 been obtained for any discharge into the waters of the State.

1 6. This act shall take effect immediately.

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20 reacceptance of the discontinued material, an engineering design
21 acceptable to the department which describes corrective measures
22 to prevent recurrence of the threat shall be submitted and the
23 design implemented.

1 5. After March 15, 1977, no solid waste facility shall accept or
2 receive for disposal, any hazardous waste, chemical waste, bulk
3 liquid or pesticide unless such facility has installed a system for
4 the interception, collection and treatment of any and all leachate
5 generated at the facility, and has obtained approval from the
6 department for the entire system. Requests for department
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14 facility, the method of handling and treating those wastes, and
15 shall include proof that all necessary permits and licenses have
16 been obtained for any discharge into the waters of the State.

1 6. This act shall take effect immediately.

STATEMENT

This act regulates the disposal of hazardous waste, chemical waste, bulk liquids and pesticides. It prohibits any solid waste facility within 2 miles of a river flood hazard area or 2 miles of a major aquifer from accepting said wastes. Every other solid waste facility which accepts said wastes shall maintain a list of all such wastes received, shall install monitoring wells and shall deliver laboratory analyses of samples taken from such wells to the Department of Environmental Protection on a quarterly basis. After March 1, 1977 no solid waste facility shall accept such wastes unless it has installed a leachate control system acceptable to the Department of Environmental Protection.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1493

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 1976

This act regulates the disposal of hazardous waste, chemical waste, bulk liquids and pesticides. It prohibits, after January 1, 1977, any solid waste facility located within 1,000 yards of a river flood hazard area or 1,000 yards of a major aquifer which charges a well or well field which supplies directly or through any system potable water for domestic use from accepting said materials. Every other solid waste facility which accepts said materials shall maintain a list of all such materials received, shall install monitoring wells and shall deliver laboratory analyses of samples taken from such wells to the Department of Environmental Protection on a quarterly basis. After March 1, 1980 no solid waste facility shall accept such materials unless it has installed a leachate control system acceptable to the Department of Environmental Protection.

ASSEMBLY ENERGY AND NATURAL
RESOURCES COMMITTEE

STATEMENT TO
SENATE, No. 1493

STATE OF NEW JERSEY

DATED: AUGUST 2, 1976

As the sponsor's original statement upon the introduction of Senate Bill No. 1493 stated, "this act regulates the disposal of hazardous waste, chemical waste, bulk liquids and pesticides." As originally introduced, this bill would have prohibited any solid waste facility located within 2 miles of a river flood hazard area, or 2 miles of a major aquifer, from accepting such solid waste for disposal. The Senate Energy and Environment Committee changed the "2-mile" limitation to "1,000 yards."

The Assembly Energy and Natural Resources Committee saw much merit in the sponsor's intentions, but felt that the prohibition of disposal within 1,000 yards of a major aquifer was too stringent and would, unintentionally, prevent the location of such solid waste disposal facilities where they would present no danger to the public health and safety. The committee accordingly amended Senate Bill No. 1493 to delete the major aquifer prohibition contained in subsection b. of section 2. In addition, the committee added a definition of "Commercial solid waste facility," to protect those facilities which do not operate for profit. Finally, the committee added language specifying that the river flood hazard area must have been delineated prior to the effective date of this act (Senate Bill No. 1493) for the prohibition against disposal of hazardous, chemical, bulk liquid and pesticide waste to apply.