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Title 13.
Chapter 1D.
Part VII. Energy and
Environmental
Technology
Verification
Program
§§1-4 -
C.13:1D-134
to 13:1D-137
§5 - Approp.

P.L. 1999, CHAPTER 400, *approved January 18, 2000*
Senate, No. 1750 (*Second Reprint*)

1 **AN ACT** concerning the development and promotion of energy and
2 environmental technology and supplementing Title 13 of the
3 Revised Statutes.

4

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

7

8 1. The Legislature finds and declares that it is in the public interest
9 to encourage new businesses to locate in the State and assist existing
10 enterprises to remain and expand in the State by facilitating the
11 development and commercial use of technology-based environmental
12 and energy-related products, services and systems in the State that
13 abate and prevent environmental pollution and promote energy
14 conservation in a cost-effective manner; that there is a need to
15 stimulate and encourage the development of such products within the
16 State by providing technical assistance for the development of
17 technologies with commercial applications so that the commercial use
18 of these technologies can be expedited; that advances in environmental
19 and energy technology can be achieved through the formation of
20 alliances between individuals seeking such assistance and technology-
21 based businesses, industry, research universities, utility companies,
22 government agencies and third party investors; that collaboration
23 between the public and private sectors in technology development can
24 expedite the commercial use of technologies and represents an
25 effective way to leverage resources, pool talents and accelerate the
26 growth and expansion of innovative business and industry in the State;
27 and that private/public partnerships will realize expanded economic
28 growth in the State and will enhance New Jersey's ability to be
29 nationally and globally recognized as the center for the advancement
30 of environmental and energy-related technologies.

31 The Legislature further finds and declares that it is the mission of

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 SEG committee amendments adopted May 6, 1999.

² Assembly AEN committee amendments adopted December 6, 1999.

1 the Department of Environmental Protection to preserve ^{2,2} sustain,
2 protect and enhance the environment and ensure the integration of
3 high environmental quality, public health and economic vitality; that
4 through partnerships with the general public, businesses,
5 environmental communities, and all levels of government, the
6 Department of Environmental Protection can assure that pollution is
7 efficiently prevented and the best technology is planned for, and
8 applied to, long-term environmental goals; that the New Jersey
9 Corporation for Advanced Technology, a non-profit organization
10 whose membership is composed of technology-based businesses,
11 industries, research universities, utility companies, government
12 agencies and third party investors, has as its mission the development,
13 retention and growth of technology-based businesses that develop and
14 employ energy and environmental technologies; and that the
15 Department of Environmental Protection must implement a cost-
16 effective and technically sound method to verify the operations and
17 performance of new energy and environmental technologies to
18 maximize the benefits of potential environmental improvements
19 through innovative energy and environmental technologies.

20 The Legislature therefore determines that it is in the public interest
21 for the Department of Environmental Protection and the New Jersey
22 Corporation for Advanced Technology to enter into a performance
23 partnership agreement and thereby establish and implement an energy
24 and environmental technology verification program for the purposes
25 of identifying, evaluating, verifying, and expediting the commercial use
26 of innovative energy and environmental technologies that provide
27 significant environmental benefits to the State by providing technical
28 guidance, coordinating the required approvals and reviews, and
29 revising the regulatory framework affecting the development and
30 commercial use of these technologies; that the New Jersey
31 Corporation for Advanced Technology can ensure the maximum
32 effectiveness of these innovative energy and environmental
33 technologies with the support of private industry, State government,
34 utilities, not-for-profit corporations, academia, and the investment
35 community; that the New Jersey Corporation for Advanced
36 Technology can provide a process for conformance and validation of
37 environmental, operational and overall performance evaluation of
38 innovative energy and environmental technology; that the New Jersey
39 Corporation for Advanced Technology can recommend technologies
40 for further development, because its standards for verification of
41 technologies are at least as stringent as the requirements of the
42 Department of Environmental Protection; and that by implementing a
43 verification process that ensures technologies can perform within
44 acceptable methods of quality assurance, the Department of
45 Environmental Protection and the New Jersey Corporation for
46 Advanced Technology will accomplish their goals of preventing

1 contamination and pollution in the State while achieving and
2 preserving high environmental quality and promoting a healthier,
3 richer economy in the State.

4
5 2. For the purposes of this act:

6 "Corporation" means the New Jersey Corporation for Advanced
7 Technology, a not-for-profit membership corporation, incorporated
8 under the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127
9 ²[(C.15A:1-1 et seq.)] N.J.S.15A:1-1 et seq. ², whose membership
10 comprises technology-based businesses, industries, research
11 universities, utility companies, government agencies and third party
12 investors that are interested in advancing the development and use of
13 technology in the State;

14 "Department" means the Department of Environmental Protection;
15 and

16 "Program" means the energy and environmental technology
17 verification program for the identification, evaluation, verification and,
18 through the coordination and revision of regulatory mechanisms and
19 requirements, the promotion and expedited commercial use of
20 innovative energy and environmental technologies, and established
21 under the performance partnership agreement between the department
22 and the corporation entered into pursuant to section 3 of this act.

23
24 3. a. Pursuant to the performance contract authority established
25 by subsection q. of section 12 of P.L.1970, c.33 (C.13:1D-9), the
26 Department of Environmental Protection shall enter into a
27 performance partnership agreement with the New Jersey Corporation
28 for Advanced Technology for the purposes of establishing and
29 administering an energy and environmental technology verification
30 program for the identification, evaluation, verification and, through the
31 coordination and revision of regulatory mechanisms and requirements,
32 the promotion and expedited commercial use of innovative energy and
33 environmental technologies.

34 b. The department, in consultation and in conjunction with the
35 corporation, shall develop and establish evaluation and verification
36 procedures, processes and protocols for the purposes of:

37 (1) Determining the application and use, and the outcome of the
38 application and use, of certain energy and environmental technologies;

39 (2) Studying, evaluating and verifying the benefits of any innovative
40 energy and environmental technologies; and

41 (3) Identifying beneficial and innovative technologies requiring
42 assistance with regulatory mechanisms and requirements.

43 c. The department shall develop a technical guidance document for
44 the program that shall include, but not be limited to, a technical
45 manual for each class or category of technology and the permits
46 required for its commercial use, and the evaluation and verification

1 procedures, processes, and protocols developed and established
2 pursuant to subsection b. of this section to be used by the program for
3 evaluating, verifying and promoting a technology. The technical
4 guidance document also shall provide for the revision of such
5 protocols, processes and procedures to accommodate verification
6 procedures employed and proposed by the corporation. The technical
7 guidance document shall define the procedural and substantive
8 requirements for selection for, and participation in, the program and
9 the review of applications pertaining thereto, and shall clarify any
10 department and corporation interpretations of any laws, rules, and
11 regulations relating to the review, selection and verification of a
12 technology for the program. The department shall publish the
13 technical guidance document, and any revisions thereto, in the New
14 Jersey Register. The adoption of a technical guidance document, or
15 of the revisions thereto, shall not be subject to the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

17 d. The corporation shall provide notification of the availability of
18 participation in the technology verification program, as it deems
19 appropriate and in the manner it determines shall reach persons with
20 technologies likely to be eligible for evaluation and verification under
21 the technology verification program. The corporation shall accept
22 applications for the review and consideration for verification of
23 technologies under the program, in accordance with the procedures,
24 processes and protocols established pursuant to subsection b. of this
25 section and the technical guidance document developed pursuant to
26 subsection c. of this section. After a review of the application to
27 preliminarily evaluate and verify ²that ² the technology may have
28 significant energy or environmental benefits, the corporation may
29 select a technology as a candidate for evaluation and verification under
30 the program and shall notify the department of the selected technology
31 and the results of the preliminary evaluation of the technology and the
32 protocols for its verification.

33 e. Upon notice of the selection of a technology, the department
34 shall review any and all laws, rules or regulations affecting the
35 development and commercial use of the selected technology and, as
36 the department deems appropriate and necessary, shall consult with the
37 applicant whose technology has been selected. The department shall
38 coordinate the required permits, permit review, permit approvals and
39 other required action on the part of federal and State agencies, entities
40 and officials to assist in the promotion and expedited commercial use
41 of the verified technology upon its verification.

42 f. The corporation, in conjunction and cooperation with the
43 department and its action pursuant to subsection e. of this section,
44 shall evaluate the selected energy or environmental technology and its
45 performance, and, whenever appropriate, shall verify the technology
46 evaluated. The evaluation and verification shall include, but not be

1 limited to, ascertaining the conservation or environmental benefit of
2 the technology being evaluated and confirming that the technology in
3 fact achieves the alleged benefit and has a significant net beneficial
4 environmental effect from its overall performance.

5 g. The Department of Environmental Protection may adopt,
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), any rules or regulations necessary to expedite
8 the commercial use of energy or environmental technologies selected
9 for the program and verified by the corporation as a technology with
10 a significant net beneficial environmental effect from its overall
11 performance, or required to implement the provisions of this section.

12 h. The Commissioner of Environmental Protection shall implement
13 the contract provisions, protocols, processes, procedures, rules and
14 regulations established pursuant to subsections a. through d. of this
15 section, and shall require any person engaged in a permit process to
16 work in conjunction with the corporation and rely on its evaluation
17 and verification processes.

18 i. The department shall work closely with the State Treasurer to
19 include in State bid specifications, as deemed appropriate by the State
20 Treasurer, any technology verified under the energy and environmental
21 technology verification program established pursuant to this section.

22
23 4. The department shall enter into reciprocal environmental
24 technology agreements concerning the evaluation and verification
25 protocols used by the corporation and the department between the
26 department, the United States Environmental Protection Agency, other
27 local, regional or national environmental agencies, entities or groups,
28 or other state agencies, entities or groups in other states and in New
29 Jersey for the purposes of encouraging and permitting the reciprocal
30 acceptance of technical data and information concerning the evaluation
31 and verification of energy and environmental technologies. Such
32 acceptance may include providing equivalent regulatory approvals, as
33 appropriate and consistent with the regulatory changes established
34 pursuant to subsections c., e. and g. of section 3 of this act, for
35 technologies previously evaluated and verified under protocols
36 substantially identical to those developed by the corporation and the
37 department under the energy and environmental technology
38 verification program established under section 3 of this act. Nothing
39 herein provided shall be construed to restrict the New Jersey
40 Corporation of Advanced Technology from entering into similar
41 reciprocal environmental technology agreements and the department
42 shall encourage the corporation to do so.

43
44 ²[15. Notwithstanding any other law, or any rule or regulation
45 adopted pursuant thereto, to the contrary, the provisions of this act
46 shall supersede any other provisions of law, or rules or regulations

1 adopted pursuant thereto. If any provision of this act conflicts with
 2 federal law, rules, regulations or other requirements, the department
 3 shall endeavor, pursuant to section 4 of this act, to negotiate with the
 4 United States Environmental Protection Agency and other federal
 5 agencies a resolution of the conflict but shall comply with the federal
 6 law, rule, regulation or other federal requirements until the federal
 7 law, rule, regulation or requirement is changed or another resolution
 8 is effected.¹²

9
 10 ¹[5.] ²[6.¹] 5.² There is appropriated from the General Fund the
 11 sum of \$95,000 to the ¹[New Jersey Corporation for Advanced
 12 Technology] department¹ for the implementation of the energy and
 13 environmental technology verification program established pursuant to
 14 ²[P.L. , c. (C.)](now pending before the Legislature as this
 15 bill)] this act² .

16
 17 ¹[6.]² [7.¹] 6.² This act shall take effect immediately.

18
 19
 20 _____
 21
 22 Establishes technology verification program administered and
 23 implemented by DEP and New Jersey Corporation for Advanced
 24 Technology; appropriates \$95,000.

SENATE, No. 1750

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MARCH 15, 1999

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator MARTHA W. BARK

District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by:

Senator Kenny

SYNOPSIS

Establishes technology verification program administered and implemented by DEP and New Jersey Corporation for Advanced Technology.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the development and promotion of energy and
2 environmental technology and supplementing Title 13 of the
3 Revised Statutes.

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

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8 1. The Legislature finds and declares that it is in the public interest
9 to encourage new businesses to locate in the State and assist existing
10 enterprises to remain and expand in the State by facilitating the
11 development and commercial use of technology-based environmental
12 and energy-related products, services and systems in the State that
13 abate and prevent environmental pollution and promote energy
14 conservation in a cost-effective manner; that there is a need to
15 stimulate and encourage the development of such products within the
16 State by providing technical assistance for the development of
17 technologies with commercial applications so that the commercial use
18 of these technologies can be expedited; that advances in environmental
19 and energy technology can be achieved through the formation of
20 alliances between individuals seeking such assistance and technology-
21 based businesses, industry, research universities, utility companies,
22 government agencies and third party investors; that collaboration
23 between the public and private sectors in technology development can
24 expedite the commercial use of technologies and represents an
25 effective way to leverage resources, pool talents and accelerate the
26 growth and expansion of innovative business and industry in the State;
27 and that private/public partnerships will realize expanded economic
28 growth in the State and will enhance New Jersey's ability to be
29 nationally and globally recognized as the center for the advancement
30 of environmental and energy-related technologies.

31 The Legislature further finds and declares that it is the mission of
32 the Department of Environmental Protection to preserve sustain,
33 protect and enhance the environment and ensure the integration of
34 high environmental quality, public health and economic vitality; that
35 through partnerships with the general public, businesses,
36 environmental communities, and all levels of government, the
37 Department of Environmental Protection can assure that pollution is
38 efficiently prevented and the best technology is planned for, and
39 applied to, long-term environmental goals; that the New Jersey
40 Corporation for Advanced Technology, a non-profit organization
41 whose membership is composed of technology-based businesses,
42 industries, research universities, utility companies, government
43 agencies and third party investors, has as its mission the development,
44 retention and growth of technology-based businesses that develop and
45 employ energy and environmental technologies; and that the
46 Department of Environmental Protection must implement a cost-

1 effective and technically sound method to verify the operations and
2 performance of new energy and environmental technologies to
3 maximize the benefits of potential environmental improvements
4 through innovative energy and environmental technologies.

5 The Legislature therefore determines that it is in the public interest
6 for the Department of Environmental Protection and the New Jersey
7 Corporation for Advanced Technology to enter into a performance
8 partnership agreement and thereby establish and implement an energy
9 and environmental technology verification program for the purposes
10 of identifying, evaluating, verifying, and expediting the commercial use
11 of innovative energy and environmental technologies that provide
12 significant environmental benefits to the State by providing technical
13 guidance, coordinating the required approvals and reviews, and
14 revising the regulatory framework affecting the development and
15 commercial use of these technologies; that the New Jersey
16 Corporation for Advanced Technology can ensure the maximum
17 effectiveness of these innovative energy and environmental
18 technologies with the support of private industry, State government,
19 utilities, not-for-profit corporations, academia, and the investment
20 community; that the New Jersey Corporation for Advanced
21 Technology can provide a process for conformance and validation of
22 environmental, operational and overall performance evaluation of
23 innovative energy and environmental technology; that the New Jersey
24 Corporation for Advanced Technology can recommend technologies
25 for further development, because its standards for verification of
26 technologies are at least as stringent as the requirements of the
27 Department of Environmental Protection; and that by implementing a
28 verification process that ensures technologies can perform within
29 acceptable methods of quality assurance, the Department of
30 Environmental Protection and the New Jersey Corporation for
31 Advanced Technology will accomplish their goals of preventing
32 contamination and pollution in the State while achieving and
33 preserving high environmental quality and promoting a healthier,
34 richer economy in the State.

35

36 2. For the purposes of this act:

37 "Corporation" means the New Jersey Corporation for Advanced
38 Technology, a not-for-profit membership corporation, incorporated
39 under the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127
40 (C.15A:1-1 et seq.), whose membership comprises technology-based
41 businesses, industries, research universities, utility companies,
42 government agencies and third party investors that are interested in
43 advancing the development and use of technology in the State;

44 "Department" means the Department of Environmental Protection;
45 and

46 "Program" means the energy and environmental technology

1 verification program for the identification, evaluation, verification and,
2 through the coordination and revision of regulatory mechanisms and
3 requirements, the promotion and expedited commercial use of
4 innovative energy and environmental technologies, and established
5 under the performance partnership agreement between the department
6 and the corporation entered into pursuant to section 3 of this act.

7
8 3. a. Pursuant to the performance contract authority established
9 by subsection q. of section 12 of P.L.1970, c.33 (C.13:1D-9), the
10 Department of Environmental Protection shall enter into a
11 performance partnership agreement with the New Jersey Corporation
12 for Advanced Technology for the purposes of establishing and
13 administering an energy and environmental technology verification
14 program for the identification, evaluation, verification and, through the
15 coordination and revision of regulatory mechanisms and requirements,
16 the promotion and expedited commercial use of innovative energy and
17 environmental technologies.

18 b. The department, in consultation and in conjunction with the
19 corporation, shall develop and establish evaluation and verification
20 procedures, processes and protocols for the purposes of:

21 (1) Determining the application and use, and the outcome of the
22 application and use, of certain energy and environmental technologies;

23 (2) Studying, evaluating and verifying the benefits of any innovative
24 energy and environmental technologies; and

25 (3) Identifying beneficial and innovative technologies requiring
26 assistance with regulatory mechanisms and requirements.

27 c. The department shall develop a technical guidance document for
28 the program that shall include, but not be limited to, a technical
29 manual for each class or category of technology and the permits
30 required for its commercial use, and the evaluation and verification
31 procedures, processes, and protocols developed and established
32 pursuant to subsection b. of this section to be used by the program for
33 evaluating, verifying and promoting a technology. The technical
34 guidance document also shall provide for the revision of such
35 protocols, processes and procedures to accommodate verification
36 procedures employed and proposed by the corporation. The technical
37 guidance document shall define the procedural and substantive
38 requirements for selection for, and participation in, the program and
39 the review of applications pertaining thereto, and shall clarify any
40 department and corporation interpretations of any laws, rules, and
41 regulations relating to the review, selection and verification of a
42 technology for the program. The department shall publish the
43 technical guidance document, and any revisions thereto, in the New
44 Jersey Register. The adoption of a technical guidance document, or
45 of the revisions thereto, shall not be subject to the "Administrative
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

1 d. The corporation shall provide notification of the availability of
2 participation in the technology verification program, as it deems
3 appropriate and in the manner it determines shall reach persons with
4 technologies likely to be eligible for evaluation and verification under
5 the technology verification program. The corporation shall accept
6 applications for the review and consideration for verification of
7 technologies under the program, in accordance with the procedures,
8 processes and protocols established pursuant to subsection b. of this
9 section and the technical guidance document developed pursuant to
10 subsection c. of this section. After a review of the application to
11 preliminarily evaluate and verify the technology may have significant
12 energy or environmental benefits, the corporation may select a
13 technology as a candidate for evaluation and verification under the
14 program and shall notify the department of the selected technology and
15 the results of the preliminary evaluation of the technology and the
16 protocols for its verification.

17 e. Upon notice of the selection of a technology, the department
18 shall review any and all laws, rules or regulations affecting the
19 development and commercial use of the selected technology and, as
20 the department deems appropriate and necessary, shall consult with the
21 applicant whose technology has been selected. The department shall
22 coordinate the required permits, permit review, permit approvals and
23 other required action on the part of federal and State agencies, entities
24 and officials to assist in the promotion and expedited commercial use
25 of the verified technology upon its verification.

26 f. The corporation, in conjunction and cooperation with the
27 department and its action pursuant to subsection e. of this section,
28 shall evaluate the selected energy or environmental technology and its
29 performance, and, whenever appropriate, shall verify the technology
30 evaluated. The evaluation and verification shall include, but not be
31 limited to, ascertaining the conservation or environmental benefit of
32 the technology being evaluated and confirming that the technology in
33 fact achieves the alleged benefit and has a significant net beneficial
34 environmental effect from its overall performance.

35 g. The Department of Environmental Protection may adopt,
36 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
37 (C.52:14B-1 et seq.), any rules or regulations necessary to expedite
38 the commercial use of energy or environmental technologies selected
39 for the program and verified by the corporation as a technology with
40 a significant net beneficial environmental effect from its overall
41 performance, or required to implement the provisions of this section.

42 h. The Commissioner of Environmental Protection shall implement
43 the contract provisions, protocols, processes, procedures, rules and
44 regulations established pursuant to subsections a. through d. of this
45 section, and shall require any person engaged in a permit process to
46 work in conjunction with the corporation and rely on its evaluation

1 and verification processes.

2 i. The department shall work closely with the State Treasurer to
3 include in State bid specifications, as deemed appropriate by the State
4 Treasurer, any technology verified under the energy and environmental
5 technology verification program established pursuant to this section.

6
7 4. The department shall enter into reciprocal environmental
8 technology agreements concerning the evaluation and verification
9 protocols used by the corporation and the department between the
10 department, the United States Environmental Protection Agency, other
11 local, regional or national environmental agencies, entities or groups,
12 or other state agencies, entities or groups in other states and in New
13 Jersey for the purposes of encouraging and permitting the reciprocal
14 acceptance of technical data and information concerning the evaluation
15 and verification of energy and environmental technologies. Such
16 acceptance may include providing equivalent regulatory approvals, as
17 appropriate and consistent with the regulatory changes established
18 pursuant to subsections c., e. and g. of section 3 of this act, for
19 technologies previously evaluated and verified under protocols
20 substantially identical to those developed by the corporation and the
21 department under the energy and environmental technology
22 verification program established under section 3 of this act. Nothing
23 herein provided shall be construed to restrict the New Jersey
24 Corporation of Advanced Technology from entering into similar
25 reciprocal environmental technology agreements and the department
26 shall encourage the corporation to do so.

27
28 5. There is appropriated from the General Fund the sum of \$95,000
29 to the New Jersey Corporation for Advanced Technology for the
30 implementation of the energy and environmental technology
31 verification program established pursuant to P.L. , c. (C.)(now
32 pending before the Legislature as this bill).

33
34 6. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill directs the Department of Environmental Protection,
40 through a performance contract with the New Jersey Corporation for
41 Advanced Technology, to establish an energy and environmental
42 technology verification program for the selection, promotion and
43 commercialization of innovative energy and environmental
44 technologies that have significant environmental benefit for the State.
45 The bill further directs the Department of Environmental Protection in
46 conjunction with the New Jersey Corporation for Advanced

S1750 KYRILLOS, BARK

7

1 Technology to establish the details of the program through a technical
2 guidance document to be published in the New Jersey Register but not
3 subject to the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.). The bill provides for the New Jersey
5 Corporation for Advanced Technology to provide notification of the
6 availability of the program, receive applications for consideration for
7 the program and, in conjunction with the Department of
8 Environmental Protection after preliminary review and selection of a
9 technology, evaluate and verify a selected technology. Prior to final
10 evaluation and verification, the Department of Environmental
11 Protection shall review existing law, rules and regulations and
12 coordinate as much as possible the permitting processes and other
13 regulatory requirements to expedite and facilitate the use of the
14 technology upon its verification. Finally, the Department of
15 Environmental Protection is authorized to adopt any rules or
16 regulations necessary to implement the program, enter into reciprocal
17 environmental agreements with other federal, State and local agencies,
18 and to encourage the New Jersey Corporation of Advanced
19 Technology to do the same.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1750

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Assembly Environment Committee reports favorably and with committee amendments Senate Bill No. 1750 (1R).

This bill directs the New Jersey Department of Environmental Protection (NJDEP), through a performance contract with the New Jersey Corporation for Advanced Technology (NJCAT), to establish an energy and environmental technology verification program for the selection, promotion and commercialization of innovative energy and environmental technologies that have significant environmental benefit for the State. The bill further directs the NJDEP in conjunction with the NJCAT to establish the details of the program through a technical guidance document to be published in the New Jersey Register but which would not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The bill provides for the NJCAT to provide notification of the availability of the program, receive applications for consideration for the program and, in conjunction with the NJDEP after preliminary review and selection of a technology, evaluate and verify a selected technology. Prior to final evaluation and verification, the NJDEP shall review existing law, rules and regulations and coordinate as much as possible the permitting processes and other regulatory requirements to expedite and facilitate the use of the technology upon its verification. The NJDEP is authorized to adopt any rules or regulations necessary to implement the program, enter into reciprocal environmental agreements with other federal, State and local agencies, and to encourage the NJCAT to do the same.

Finally, the bill appropriates \$95,000 to implement the program.

The committee amended the bill to remove section 5, which pertains to the bill's relationship with other laws. The committee also made technical amendments to the bill.

As amended and reported by the committee, this bill is identical to Assembly Bill No.3029 of 1999 as also amended and reported by the committee.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1750

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1999

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably and with committee amendments Senate Bill No. 1750.

This bill, as amended, directs the New Jersey Department of Environmental Protection (NJDEP), through a performance contract with the New Jersey Corporation for Advanced Technology (NJCAT), to establish an energy and environmental technology verification program for the selection, promotion and commercialization of innovative energy and environmental technologies that have significant environmental benefit for the State. The bill further directs the NJDEP in conjunction with the NJCAT to establish the details of the program through a technical guidance document to be published in the New Jersey Register but not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The bill provides for the NJCAT to provide notification of the availability of the program, receive applications for consideration for the program and, in conjunction with the NJDEP after preliminary review and selection of a technology, evaluate and verify a selected technology. Prior to final evaluation and verification, the NJDEP shall review existing law, rules and regulations and coordinate as much as possible the permitting processes and other regulatory requirements to expedite and facilitate the use of the technology upon its verification. Finally, the NJDEP is authorized to adopt any rules or regulations necessary to implement the program, enter into reciprocal environmental agreements with other federal, State and local agencies, and to encourage the NJCAT to do the same.

The committee amended the bill to provide that: (1) the bill shall supersede any other provisions of State law, or rules or regulations adopted pursuant thereto; (2) if any provision of the bill conflicts with federal law, rules, regulations or other requirements, the NJDEP shall endeavor to negotiate with the United States Environmental Protection Agency and other federal agencies a resolution of the conflict but shall

comply with the federal law, rule, regulation or other federal requirements until the federal law, rule, regulation or requirement is changed or another resolution is effected; and (3) the \$95,000 appropriation from the General Fund to implement the program shall be given to the NJDEP instead of to the NJCAT.

LEGISLATIVE FISCAL ESTIMATE

SENATE, No. 1750

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 29, 1999

Senate Bill No. 1750 of 1999 directs the Department of Environmental Protection (DEP), through a performance contract with the New Jersey Corporation for Advanced Technology (CAT), to establish an energy and environmental technology verification program for the selection, promotion and commercialization of innovative energy and environmental technologies that have significant environmental benefit for the State. The bill further directs the DEP, in conjunction with the CAT, to establish the details of the program through a technical guidance document to be published in the New Jersey Register.

The bill directs the CAT to receive applications for the program and evaluate and verify a selected technology. Prior to final evaluation and verification, the DEP is directed to review existing law, rules and regulations and coordinate the permitting processes to expedite the use of the technology upon its verification. Finally, an appropriation of \$95,000 is provided to the CAT to implement the technology verification program established under the bill.

The Office of Legislative Services (OLS) estimates that the appropriation provided under the bill should be sufficient to cover any expenses incurred by the CAT in carrying out the bill's provisions. The DEP should be able to participate in this program utilizing existing personnel and resources. The OLS contends, however, that additional funding may be needed by the CAT in the future for administrative purposes, depending on the program's activity level, once the initial appropriation has been fully expended.

Also, the Office of Legislative Services (OLS) notes that the bill's appropriation should be directed to the DEP or another State agency pursuant to the established statutory process of allocating State funds for public purposes.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 3029

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 25, 1999

Sponsored by:

Assemblyman STEVE CORODEMUS

District 11 (Monmouth)

SYNOPSIS

Establishes technology verification program administered and implemented by DEP and New Jersey Corporation for Advanced Technology.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the development and promotion of energy and
2 environmental technology and supplementing Title 13 of the
3 Revised Statutes.

4

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

7

8 1. The Legislature finds and declares that it is in the public interest
9 to encourage new businesses to locate in the State and assist existing
10 enterprises to remain and expand in the State by facilitating the
11 development and commercial use of technology-based environmental
12 and energy-related products, services and systems in the State that
13 abate and prevent environmental pollution and promote energy
14 conservation in a cost-effective manner; that there is a need to
15 stimulate and encourage the development of such products within the
16 State by providing technical assistance for the development of
17 technologies with commercial applications so that the commercial use
18 of these technologies can be expedited; that advances in environmental
19 and energy technology can be achieved through the formation of
20 alliances between individuals seeking such assistance and technology-
21 based businesses, industry, research universities, utility companies,
22 government agencies and third party investors; that collaboration
23 between the public and private sectors in technology development can
24 expedite the commercial use of technologies and represents an
25 effective way to leverage resources, pool talents and accelerate the
26 growth and expansion of innovative business and industry in the State;
27 and that private/public partnerships will realize expanded economic
28 growth in the State and will enhance New Jersey's ability to be
29 nationally and globally recognized as the center for the advancement
30 of environmental and energy-related technologies.

31 The Legislature further finds and declares that it is the mission of
32 the Department of Environmental Protection to preserve sustain,
33 protect and enhance the environment and ensure the integration of
34 high environmental quality, public health and economic vitality; that
35 through partnerships with the general public, businesses,
36 environmental communities, and all levels of government, the
37 Department of Environmental Protection can assure that pollution is
38 efficiently prevented and the best technology is planned for, and
39 applied to, long-term environmental goals; that the New Jersey
40 Corporation for Advanced Technology, a non-profit organization
41 whose membership is composed of technology-based businesses,
42 industries, research universities, utility companies, government
43 agencies and third party investors, has as its mission the development,
44 retention and growth of technology-based businesses that develop and
45 employ energy and environmental technologies; and that the
46 Department of Environmental Protection must implement a cost-

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1 effective and technically sound method to verify the operations and
2 performance of new energy and environmental technologies to
3 maximize the benefits of potential environmental improvements
4 through innovative energy and environmental technologies.

5 The Legislature therefore determines that it is in the public interest
6 for the Department of Environmental Protection and the New Jersey
7 Corporation for Advanced Technology to enter into a performance
8 partnership agreement and thereby establish and implement an energy
9 and environmental technology verification program for the purposes
10 of identifying, evaluating, verifying, and expediting the commercial use
11 of innovative energy and environmental technologies that provide
12 significant environmental benefits to the State by providing technical
13 guidance, coordinating the required approvals and reviews, and
14 revising the regulatory framework affecting the development and
15 commercial use of these technologies; that the New Jersey
16 Corporation for Advanced Technology can ensure the maximum
17 effectiveness of these innovative energy and environmental
18 technologies with the support of private industry, State government,
19 utilities, not-for-profit corporations, academia, and the investment
20 community; that the New Jersey Corporation for Advanced
21 Technology can provide a process for conformance and validation of
22 environmental, operational and overall performance evaluation of
23 innovative energy and environmental technology; that the New Jersey
24 Corporation for Advanced Technology can recommend technologies
25 for further development, because its standards for verification of
26 technologies are at least as stringent as the requirements of the
27 Department of Environmental Protection; and that by implementing a
28 verification process that ensures technologies can perform within
29 acceptable methods of quality assurance, the Department of
30 Environmental Protection and the New Jersey Corporation for
31 Advanced Technology will accomplish their goals of preventing
32 contamination and pollution in the State while achieving and
33 preserving high environmental quality and promoting a healthier,
34 richer economy in the State.

35

36 2. For the purposes of this act:

37 "Corporation" means the New Jersey Corporation for Advanced
38 Technology, a not-for-profit membership corporation, incorporated
39 under the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127
40 (C.15A:1-1 et seq.), whose membership comprises technology-based
41 businesses, industries, research universities, utility companies,
42 government agencies and third party investors that are interested in
43 advancing the development and use of technology in the State;

44 "Department" means the Department of Environmental Protection;
45 and

46 "Program" means the energy and environmental technology

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1 verification program for the identification, evaluation, verification and,
2 through the coordination and revision of regulatory mechanisms and
3 requirements, the promotion and expedited commercial use of
4 innovative energy and environmental technologies, and established
5 under the performance partnership agreement between the department
6 and the corporation entered into pursuant to section 3 of this act.

7
8 3. a. Pursuant to the performance contract authority established
9 by subsection q. of section 12 of P.L.1970, c.33 (C.13:1D-9), the
10 Department of Environmental Protection shall enter into a
11 performance partnership agreement with the New Jersey Corporation
12 for Advanced Technology for the purposes of establishing and
13 administering an energy and environmental technology verification
14 program for the identification, evaluation, verification and, through the
15 coordination and revision of regulatory mechanisms and requirements,
16 the promotion and expedited commercial use of innovative energy and
17 environmental technologies.

18 b. The department, in consultation and in conjunction with the
19 corporation, shall develop and establish evaluation and verification
20 procedures, processes and protocols for the purposes of:

21 (1) Determining the application and use, and the outcome of the
22 application and use, of certain energy and environmental technologies;

23 (2) Studying, evaluating and verifying the benefits of any innovative
24 energy and environmental technologies; and

25 (3) Identifying beneficial and innovative technologies requiring
26 assistance with regulatory mechanisms and requirements.

27 c. The department shall develop a technical guidance document for
28 the program that shall include, but not be limited to, a technical
29 manual for each class or category of technology and the permits
30 required for its commercial use, and the evaluation and verification
31 procedures, processes, and protocols developed and established
32 pursuant to subsection b. of this section to be used by the program for
33 evaluating, verifying and promoting a technology. The technical
34 guidance document also shall provide for the revision of such
35 protocols, processes and procedures to accommodate verification
36 procedures employed and proposed by the corporation. The technical
37 guidance document shall define the procedural and substantive
38 requirements for selection for, and participation in, the program and
39 the review of applications pertaining thereto, and shall clarify any
40 department and corporation interpretations of any laws, rules, and
41 regulations relating to the review, selection and verification of a
42 technology for the program. The department shall publish the
43 technical guidance document, and any revisions thereto, in the New
44 Jersey Register. The adoption of a technical guidance document, or
45 of the revisions thereto, shall not be subject to the "Administrative
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

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1 d. The corporation shall provide notification of the availability of
2 participation in the technology verification program, as it deems
3 appropriate and in the manner it determines shall reach persons with
4 technologies likely to be eligible for evaluation and verification under
5 the technology verification program. The corporation shall accept
6 applications for the review and consideration for verification of
7 technologies under the program, in accordance with the procedures,
8 processes and protocols established pursuant to subsection b. of this
9 section and the technical guidance document developed pursuant to
10 subsection c. of this section. After a review of the application to
11 preliminarily evaluate and verify the technology may have significant
12 energy or environmental benefits, the corporation may select a
13 technology as a candidate for evaluation and verification under the
14 program and shall notify the department of the selected technology and
15 the results of the preliminary evaluation of the technology and the
16 protocols for its verification.

17 e. Upon notice of the selection of a technology, the department
18 shall review any and all laws, rules or regulations affecting the
19 development and commercial use of the selected technology and, as
20 the department deems appropriate and necessary, shall consult with the
21 applicant whose technology has been selected. The department shall
22 coordinate the required permits, permit review, permit approvals and
23 other required action on the part of federal and State agencies, entities
24 and officials to assist in the promotion and expedited commercial use
25 of the verified technology upon its verification.

26 f. The corporation, in conjunction and cooperation with the
27 department and its action pursuant to subsection e. of this section,
28 shall evaluate the selected energy or environmental technology and its
29 performance, and, whenever appropriate, shall verify the technology
30 evaluated. The evaluation and verification shall include, but not be
31 limited to, ascertaining the conservation or environmental benefit of
32 the technology being evaluated and confirming that the technology in
33 fact achieves the alleged benefit and has a significant net beneficial
34 environmental effect from its overall performance.

35 g. The Department of Environmental Protection may adopt,
36 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
37 (C.52:14B-1 et seq.), any rules or regulations necessary to expedite
38 the commercial use of energy or environmental technologies selected
39 for the program and verified by the corporation as a technology with
40 a significant net beneficial environmental effect from its overall
41 performance, or required to implement the provisions of this section.

42 h. The Commissioner of Environmental Protection shall implement
43 the contract provisions, protocols, processes, procedures, rules and
44 regulations established pursuant to subsections a. through d. of this
45 section, and shall require any person engaged in a permit process to
46 work in conjunction with the corporation and rely on its evaluation

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1 and verification processes.

2 i. The department shall work closely with the State Treasurer to
3 include in State bid specifications, as deemed appropriate by the State
4 Treasurer, any technology verified under the energy and environmental
5 technology verification program established pursuant to this section.

6
7 4. The department shall enter into reciprocal environmental
8 technology agreements concerning the evaluation and verification
9 protocols used by the corporation and the department between the
10 department, the United States Environmental Protection Agency, other
11 local, regional or national environmental agencies, entities or groups,
12 or other state agencies, entities or groups in other states and in New
13 Jersey for the purposes of encouraging and permitting the reciprocal
14 acceptance of technical data and information concerning the evaluation
15 and verification of energy and environmental technologies. Such
16 acceptance may include providing equivalent regulatory approvals, as
17 appropriate and consistent with the regulatory changes established
18 pursuant to subsections c., e. and g. of section 3 of this act, for
19 technologies previously evaluated and verified under protocols
20 substantially identical to those developed by the corporation and the
21 department under the energy and environmental technology
22 verification program established under section 3 of this act. Nothing
23 herein provided shall be construed to restrict the New Jersey
24 Corporation of Advanced Technology from entering into similar
25 reciprocal environmental technology agreements and the department
26 shall encourage the corporation to do so.

27
28 5. There is appropriated from the General Fund the sum of \$95,000
29 to the New Jersey Corporation for Advanced Technology for the
30 implementation of the energy and environmental technology
31 verification program established pursuant to P.L. , c. (C.)(now
32 pending before the Legislature as this bill).

33
34 6. This act shall take effect immediately.

35

36

37 STATEMENT

38

39 This bill directs the Department of Environmental Protection,
40 through a performance contract with the New Jersey Corporation for
41 Advanced Technology, to establish an energy and environmental
42 technology verification program for the selection, promotion and
43 commercialization of innovative energy and environmental
44 technologies that have significant environmental benefit for the State.
45 The bill further directs the Department of Environmental Protection in
46 conjunction with the New Jersey Corporation for Advanced

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1 Technology to establish the details of the program through a technical
2 guidance document to be published in the New Jersey Register but not
3 subject to the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.). The bill provides for the New Jersey
5 Corporation for Advanced Technology to provide notification of the
6 availability of the program, receive applications for consideration for
7 the program and, in conjunction with the Department of
8 Environmental Protection after preliminary review and selection of a
9 technology, evaluate and verify a selected technology. Prior to final
10 evaluation and verification, the Department of Environmental
11 Protection shall review existing law, rules and regulations and
12 coordinate as much as possible the permitting processes and other
13 regulatory requirements to expedite and facilitate the use of the
14 technology upon its verification. Finally, the Department of
15 Environmental Protection is authorized to adopt any rules or
16 regulations necessary to implement the program, enter into reciprocal
17 environmental agreements with other federal, State and local agencies,
18 and to encourage the New Jersey Corporation of Advanced
19 Technology to do the same.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3029

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Assembly Environment Committee reports favorably and with committee amendments Assembly Bill No. 3029.

This bill directs the New Jersey Department of Environmental Protection (NJDEP), through a performance contract with the New Jersey Corporation for Advanced Technology (NJCAT), to establish an energy and environmental technology verification program for the selection, promotion and commercialization of innovative energy and environmental technologies that have significant environmental benefit for the State. The bill further directs the NJDEP in conjunction with the NJCAT to establish the details of the program through a technical guidance document to be published in the New Jersey Register but which would not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The bill provides for the NJCAT to provide notification of the availability of the program, receive applications for consideration for the program and, in conjunction with the NJDEP after preliminary review and selection of a technology, evaluate and verify a selected technology. Prior to final evaluation and verification, the NJDEP shall review existing law, rules and regulations and coordinate as much as possible the permitting processes and other regulatory requirements to expedite and facilitate the use of the technology upon its verification. Finally, the NJDEP is authorized to adopt any rules or regulations necessary to implement the program, enter into reciprocal environmental agreements with other federal, State and local agencies, and to encourage the NJCAT to do the same.

The committee amended the bill to provide that the \$95,000 appropriation from the General Fund to implement the program shall be given to the NJDEP instead of to the NJCAT and to make various technical amendments.

As amended and reported by the committee, this bill is identical to Senate Bill No.1750 (1R) of 1999 as also amended and reported by the committee.