

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Parents to be notified of tainted soil finds," The Star-Ledger, 1-12-10, p. 14.

"N.J. Assembly passes pollution notification bill prompted by contamination at Paramus school," northjersey.com, 12-7-09,

http://www.northjersey.com/news/120709_NJ_Assembly_passes_pollution_notification_bill_prompted_by_contamination_at_Paramus_school.html

"Assembly OKs pollution bill," The Record, 12-8-09, p. A04.

"Tainted school soil bill awaits Corzine signature," The Record, 12-11-09, p. A13.

"Senate approves bill requiring prompt notification of contaminated soil on school property," northjersey.com, 12-11-09, <http://www.northjersey.com/news/79032572.html>

"N.J. Gov. Corzine signs pollution notification bill inspired by Paramus school site," northjersey.com, 1-11-10, http://www.northjersey.com/news/NJ_Gov_Corzine_signs_pollution_notification_bill_inspired_by_Paramus_school_contamination.html

"School contamination law signed by Corzine," The Record, 1-12-10, p. L02.

LAW/RWH

[First Reprint]

ASSEMBLY, No. 1072

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

**Assemblywoman Riley, Assemblyman Scalera, Senators Gordon, Bateman,
Baroni, Turner and Whelan**

SYNOPSIS

Requires prompt parental and staff notification of contaminated soil found on school property.

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on November 30, 2009, with amendments.

(Sponsorship Updated As Of: 12/11/2009)

1 AN ACT concerning soil contamination on school property, and
2 supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Charter school" means a school established pursuant to
9 P.L.1995, c.426 (C.18A:36A-1 et seq.).

10 **["Pesticide" means any substance or mixture of substances**
11 **labeled, designed, intended for or capable of use in preventing,**
12 **destroying, repelling, sterilizing or mitigating any insects, rodents,**
13 **nematodes, predatory animals, fungi, weeds and other forms of**
14 **plant or animal life or viruses, except viruses on or in living man or**
15 **other animals. "Pesticide" shall also include any substance or**
16 **mixture of substances labeled, designed or intended for use as a**
17 **defoliant, desiccant or plant regulator.]**

18 "Contamination" means any discharged hazardous substance as
19 defined pursuant to section 3 of P.L.1976, c.141 (C.58:10-23.11b),
20 hazardous waste as defined pursuant to section 1 of P.L.1976, c.99
21 (C.13:1E-38), or pollutant as defined pursuant to section 3 of
22 P.L.1977, c.74 (C.58:10A-3).

23 "Licensed site remediation professional" means an individual
24 who is licensed by the Site Remediation Professional Licensing
25 Board pursuant to section 7 of P.L.2009, c.60 (C.58:10C-7) or the
26 Department of Environmental Protection pursuant to section 12 of
27 P.L.2009, c.60 (C.58:10C-12).¹

28 "School" means any public or private school as defined in
29 N.J.S.18A:1-1.

30 "School property" means any area inside and outside of the
31 school buildings controlled, managed, ¹leased,¹ or owned by the
32 school or school district.

33 "Staff member" means an employee of a school or school
34 district, including administrators, teachers, and other persons
35 regularly employed by a school or school district.

36

37 2. a. Within 10 ¹business¹ days after the discovery of soil
38 contamination **["caused by pesticides"]¹** on school property ¹that
39 has been found by the Department of Environmental Protection or a
40 licensed site remediation professional to exceed the direct contact
41 soil remediation standards for residential use adopted by the
42 department pursuant to section 35 of P.L.1993, c.139 (C.58:10B-
43 12)¹, the local school board, the board of trustees of a charter

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted November 30, 2009.

1 school, or the principal or chief administrator of a private school, as
2 appropriate, shall provide to each parent or guardian of a student
3 enrolled at the school, and staff member of the school, notice of the
4 soil contamination that includes: (1) a description of the **'[problem**
5 **and the factors that qualified the problem as an emergency that**
6 **threatened the health or safety of a student or staff member; and]**
7 soil contamination and the conditions under which a student or staff
8 member may be exposed to the contamination;¹ (2) a description
9 'and timetable' of the steps that 'have been taken and' will be taken
10 to **'[remediate the]** ensure that there is no contact by any student or
11 staff member with the' soil contamination ¹; and (3) a description
12 and timetable of the steps that have been taken and will be taken to
13 remediate the soil contamination¹.

14 b. The local school board, the board of trustees of a charter
15 school, or the principal or chief administrator of a private school, as
16 appropriate, may provide the notice required by subsection a. of this
17 section by: (1) written notice sent home with the student and
18 provided to the staff member; (2) **'[a]'** telephone call; (3) direct
19 contact; or (4) electronic mail.

20 'c. The local school board, the board of trustees of a charter
21 school, or the principal or chief administrator of a private school, as
22 appropriate, shall post a copy of the notice required pursuant to
23 subsection a. of this section in a conspicuous location near the site
24 of the soil contamination to notify any other users of the school
25 grounds of the existence of the contamination.¹

26
27 3. This act shall take effect **'[immediately]** on the 180th day
28 following the date of enactment¹ .

ASSEMBLY, No. 1072

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

SYNOPSIS

Requires prompt parental notification of contaminated soil found on school property.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 12/1/2009)

1 AN ACT concerning soil contamination on school property, and
2 supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Charter school" means a school established pursuant to
9 P.L.1995, c.426 (C.18A:36A-1 et seq.).

10 "Pesticide" means any substance or mixture of substances
11 labeled, designed, intended for or capable of use in preventing,
12 destroying, repelling, sterilizing or mitigating any insects, rodents,
13 nematodes, predatory animals, fungi, weeds and other forms of
14 plant or animal life or viruses, except viruses on or in living man or
15 other animals. "Pesticide" shall also include any substance or
16 mixture of substances labeled, designed or intended for use as a
17 defoliant, desiccant or plant regulator.

18 "School" means any public or private school as defined in
19 N.J.S.18A:1-1.

20 "School property" means any area inside and outside of the
21 school buildings controlled, managed, or owned by the school or
22 school district.

23 "Staff member" means an employee of a school or school
24 district, including administrators, teachers, and other persons
25 regularly employed by a school or school district.

26

27 2. a. Within 10 days after the discovery of soil contamination
28 caused by pesticides on school property, the local school board, the
29 board of trustees of a charter school, or the principal or chief
30 administrator of a private school, as appropriate, shall provide to
31 each parent or guardian of a student enrolled at the school, and staff
32 member of the school, notice of the soil contamination that
33 includes: (1) a description of the problem and the factors that
34 qualified the problem as an emergency that threatened the health or
35 safety of a student or staff member; and (2) a description of the
36 steps that will be taken to remediate the soil contamination.

37 b. The local school board, the board of trustees of a charter
38 school, or the principal or chief administrator of a private school, as
39 appropriate, may provide the notice required by subsection a. of this
40 section by: (1) written notice sent home with the student and
41 provided to the staff member; (2) a telephone call; (3) direct
42 contact; or (4) electronic mail.

43

44 3. This act shall take effect immediately.

1 STATEMENT

2

3 This bill requires prompt parental notification of contaminated
4 soil found on school property.

5 Specifically, within 10 days of the discovery of soil
6 contamination caused by pesticides on school property, the local
7 school board, the board of trustees of a charter school, or the
8 principal or chief administrator of a private school, as appropriate,
9 must provide to each parent or guardian of a student enrolled at the
10 school, and staff member of the school, notice of the soil
11 contamination that includes: (1) a description of the problem and
12 the factors that qualified the problem as an emergency that
13 threatened the health or safety of a student or staff member; and (2)
14 a description of the steps that will be taken to remediate the soil
15 contamination.

16 The notice may be provided by: (1) written notice sent home
17 with the student and provided to the staff member; (2) a telephone
18 call; (3) direct contact; or (4) electronic mail.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1072

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2009

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No.1072.

As amended by the committee, this bill would require parental and staff notification of contaminated soil found on school property within 10 business days of the discovery of the contamination.

Specifically, the bill, as amended, would require that within 10 business days of the discovery of soil contamination on school property that has been found by the Department of Environmental Protection or a licensed site remediation professional to exceed the direct contact soil remediation standards for residential use adopted by the department, the local school board, the board of trustees of a charter school, or the principal or chief administrator of a private school, as appropriate, must provide to each parent or guardian of a student enrolled at the school, and each staff member of the school, notice of the soil contamination that includes: (1) a description of the soil contamination and the conditions under which a student or staff member may be exposed to the contamination; (2) a description and timetable of the steps that have been taken and will be taken to ensure that there is no contact by any student or staff member with the contamination; and (3) a description and timetable of the steps that have been taken and will be taken to remediate the soil contamination.

The notice may be provided by: (1) written notice sent home with the student and provided to the staff member; (2) telephone call; (3) direct contact; or (4) electronic mail.

The bill, as amended, would also require the local school board, the board of trustees of a charter school, or the principal or chief administrator of a private school, as appropriate, to post a copy of the notice in a conspicuous location near the site of the contamination to notify any other users of the school grounds of the existence of the contamination.

As amended by the committee, this bill is identical to Senate Bill No.480 (1R) of 2008.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- 1) add definitions of "contamination" and "licensed site remediation professional";
- 2) increase the time in which a discovery of soil contamination must be reported from 10 days to 10 business days;
- 3) expand the bill's applicability to cover any soil contamination that has been found to exceed the DEP's direct contact residential standard;
- 4) include school property leased by the school or school district in the scope of the bill;
- 5) change and clarify the notice requirements;
- 6) require that the notice be posted near the contaminated area to alert other users of the school property of the contamination; and
- 7) change the effective date to the 180th day following the bill's enactment.

SENATE, No. 480

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

SYNOPSIS

Requires prompt parental notification of contaminated soil found on school property.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/24/2009)

1 AN ACT concerning soil contamination on school property, and
2 supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 "Charter school" means a school established pursuant to
9 P.L.1995, c.426 (C.18A:36A-1 et seq.).

10 "Pesticide" means any substance or mixture of substances
11 labeled, designed, intended for or capable of use in preventing,
12 destroying, repelling, sterilizing or mitigating any insects, rodents,
13 nematodes, predatory animals, fungi, weeds and other forms of
14 plant or animal life or viruses, except viruses on or in living man or
15 other animals. "Pesticide" shall also include any substance or
16 mixture of substances labeled, designed or intended for use as a
17 defoliant, desiccant or plant regulator.

18 "School" means any public or private school as defined in
19 N.J.S.18A:1-1.

20 "School property" means any area inside and outside of the
21 school buildings controlled, managed, or owned by the school or
22 school district.

23 "Staff member" means an employee of a school or school
24 district, including administrators, teachers, and other persons
25 regularly employed by a school or school district.

26

27 2. a. Within 10 days after the discovery of soil contamination
28 caused by pesticides on school property, the local school board, the
29 board of trustees of a charter school, or the principal or chief
30 administrator of a private school, as appropriate, shall provide to
31 each parent or guardian of a student enrolled at the school, and staff
32 member of the school, notice of the soil contamination that
33 includes: (1) a description of the problem and the factors that
34 qualified the problem as an emergency that threatened the health or
35 safety of a student or staff member; and (2) a description of the
36 steps that will be taken to remediate the soil contamination.

37 b. The local school board, the board of trustees of a charter
38 school, or the principal or chief administrator of a private school, as
39 appropriate, may provide the notice required by subsection a. of this
40 section by: (1) written notice sent home with the student and
41 provided to the staff member; (2) a telephone call; (3) direct
42 contact; or (4) electronic mail.

43

44 3. This act shall take effect immediately.

1 STATEMENT

2

3 This bill requires prompt parental notification of contaminated
4 soil found on school property.

5 Specifically, within 10 days of the discovery of soil
6 contamination caused by pesticides on school property, the local
7 school board, the board of trustees of a charter school, or the
8 principal or chief administrator of a private school, as appropriate,
9 must provide to each parent or guardian of a student enrolled at the
10 school, and staff member of the school, notice of the soil
11 contamination that includes: (1) a description of the problem and
12 the factors that qualified the problem as an emergency that
13 threatened the health or safety of a student or staff member; and (2)
14 a description of the steps that will be taken to remediate the soil
15 contamination.

16 The notice may be provided by: (1) written notice sent home
17 with the student and provided to the staff member; (2) a telephone
18 call; (3) direct contact; or (4) electronic mail.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 480

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2009

The Senate Environment Committee favorably reports Senate Bill No. 480 with committee amendments.

This bill would require parental and staff notification of contaminated soil found on school property within 10 business days of the discovery of the contamination.

Specifically, the bill, as amended, would require that within 10 business days of the discovery of soil contamination on school property that has been found by the Department of Environmental Protection or a licensed site remediation professional to exceed the direct contact soil remediation standards for residential use adopted by the department, the local school board, the board of trustees of a charter school, or the principal or chief administrator of a private school, as appropriate, must provide to each parent or guardian of a student enrolled at the school, and each staff member of the school, notice of the soil contamination that includes: (1) a description of the soil contamination and the conditions under which a student or staff member may be exposed to the contamination; (2) a description and timetable of the steps that have been taken and will be taken to ensure that there is no contact by any student or staff member with the contamination; and (3) a description and timetable of the steps that have been taken and will be taken to remediate the soil contamination.

The notice may be provided by: (1) written notice sent home with the student and provided to the staff member; (2) telephone call; (3) direct contact; or (4) electronic mail.

The bill, as amended, would also require the local school board, the board of trustees of a charter school, or the principal or chief administrator of a private school, as appropriate, to post a copy of the notice in a conspicuous location near the site of the contamination to notify any other users of the school grounds of the existence of the contamination.

The committee amendments would: (1) add definitions of "contamination" and "licensed site remediation professional"; (2) increase the time in which a discovery of soil contamination must be reported from 10 days to 10 business days; (3) expand the bill's applicability to cover any soil contamination that has been found to

exceed the DEP's direct contact residential standard; (4) include school property leased by the school or school district in the scope of the bill; (5) change and clarify the notice requirements; (6) require that the notice be posted near the contaminated area to alert other users of the school property of the contamination; and (7) change the effective date to the 180th day following the bill's enactment.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.