



**LEGISLATIVE FISCAL ESTIMATE:**

No

**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:**

No

RWH 3/7/08

P.L. 2006, CHAPTER 65, *approved August 2, 2006*  
Senate Committee Substitute (*First Reprint*) for  
Senate Nos. 1708 and 1711

1 AN ACT concerning contaminated sites, and supplementing Title 58  
2 of the Revised Statutes.

3

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

6

7 <sup>1</sup>1. a. Upon initiation of the remedial action phase of the  
8 remediation of a contaminated site, any person who is responsible  
9 for conducting a remediation of the contaminated site, including the  
10 Department of Environmental Protection when it conducts a  
11 remediation of a contaminated site using public monies, shall  
12 provide written notification describing the activities that are to take  
13 place at the contaminated site to the clerk of the municipality  
14 wherein the site is located. The written notice shall include notice  
15 of the location of the contaminated site, including address and the  
16 lot and block number of the contaminated site. The written notice  
17 shall also inform the municipality that it may receive a copy of the  
18 remedial action workplan and any updates or status reports from the  
19 responsible party, upon request. For any remediation of a  
20 contaminated site that will take longer than two years to complete,  
21 notification shall be provided every two years until remediation is  
22 complete.

23 b. Notice required pursuant to this section shall not be required  
24 when the remediation of a contaminated site is caused by a leaking  
25 residential underground storage tank used to store heating oil for  
26 on-site consumption in a one to four family residential building or  
27 an emergency response action.<sup>1</sup>

28

29 <sup>1</sup>**[1.] 2.<sup>1</sup> <sup>1</sup>[a. Any]** Upon request of a municipality, any<sup>1</sup> person  
30 who <sup>1</sup>**[performs]** is responsible for conducting<sup>1</sup> a remediation of a  
31 contaminated site shall <sup>1</sup>**[provide to the governing body of each]**  
32 submit a copy of a remedial action workplan and any updates or  
33 status reports pursuant to the “Industrial Site Recovery Act,”  
34 P.L.1983, c.330 (C.13:1K-6 et seq.), the “Brownfield and  
35 Contaminated Site Remediation Act,” P.L.1997, c.278 (C.58:10B-  
36 1.1 et al.), or the “Spill Compensation and Control Act,” P.L.1976,  
37 c.141 (C.58:10-23.11 et seq.)to the clerk of the<sup>1</sup> municipality <sup>1</sup>**[in**  
38 **which]** wherein<sup>1</sup> the contaminated site is located <sup>1</sup>**[,** a written

**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:

<sup>1</sup>Senate SCM committee amendments adopted May 15, 2006.

<sup>2</sup>Senate floor amendments adopted June 22, 2006.

1 notice of the location of the contaminated site including the address  
2 and the lot and block number] at the same time as the workplan is  
3 submitted to the Department of Environmental Protection<sup>1</sup>.

4  
5 <sup>1</sup>[b. When the Department of Environmental Protection conducts  
6 a remediation of a contaminated site using public money, the  
7 department shall provide to the governing body of each  
8 municipality in which the contaminated site is located, a written  
9 notice of the location of the contaminated site including the address  
10 and the lot and block number.

11 c. Notice pursuant to this section shall not be required when the  
12 remediation of a contaminated site is caused by a leaking residential  
13 underground storage tank used to store heating oil for on-site  
14 consumption in a one to four family residential building.]<sup>1</sup>

15  
16 <sup>1</sup>[2. The department shall adopt, pursuant to the "Administrative  
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
18 regulations necessary to implement the provisions of this act. The  
19 rules and regulations shall include requirements for the notification  
20 of affected property owners when contamination has emanated from  
21 property where hazardous substances, hazardous waste, or  
22 hazardous pollutants have been discharged.]<sup>1</sup>

23  
24 <sup>1</sup>3. a. Any person who is responsible for conducting a  
25 remediation of a contaminated site shall be responsible for notifying  
26 the public of the remediation of the contaminated site pursuant to  
27 rules and regulations adopted by the Department of Environmental  
28 Protection pursuant to subsection b. of this section.

29 b. Within six months after the date of enactment of this act, the  
30 Department of Environmental Protection shall adopt, pursuant to  
31 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
32 seq.), rules and regulations setting forth the notice requirements  
33 pursuant to subsection a. of this section. The rules and regulations  
34 to be adopted by the department pursuant to this section shall  
35 require any person who is responsible for conducting a remediation  
36 of a contaminated site to provide written notification to any local  
37 property owners and tenants who reside within 200 feet of the  
38 contaminated site. The notification shall summarize site conditions  
39 and provide information about actions being taken to remediate the  
40 site and may require written notification or the posting of a sign  
41 visible to the public which shall be located on the boundaries of the  
42 contaminated site.<sup>1</sup>

43  
44 <sup>1</sup>4. For the purposes of P.L. , c. (C. )(pending before the  
45 Legislature as this bill):

46 "Person responsible for conducting the remediation" means any  
47 person who executes or is otherwise subject to an oversight  
48 document.

49 "Oversight document" means any document the Department

1 of Environmental Protection or a court issues to define the role  
2 of a person participating in the remediation of a contaminated site  
3 or are of concern, and may include, without limitation, an  
4 administrative order, administrative consent order, court order,  
5 memorandum of understanding, memorandum of agreement, or  
6 remediation agreement.<sup>1</sup>

7

8 <sup>1</sup>**[3.] 5.**<sup>1</sup> Within 30 days after the date of enactment of this act,  
9 the Department of Environmental Protection shall notify the  
10 governing body of each municipality in the State of the existence of  
11 the New Jersey master list of known hazardous discharge sites  
12 prepared pursuant to P.L.1982, c.202 (C.58:10-23.15 et seq.). The  
13 department shall notify the governing body of each municipality in  
14 the State that this list is also made available to the public on the  
15 Internet website maintained by the Department of Environmental  
16 Protection.

17

18 <sup>1</sup>**[4.] 6.**<sup>1</sup> This act shall take effect immediately.

19

20

21

22

23 \_\_\_\_\_  
24 Requires person responsible for conducting remediation to  
25 submit written notification; requires DEP to adopt rules setting  
forth notice requirements.

**SENATE, No. 1708**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

INTRODUCED MARCH 20, 2006

**Sponsored by:**  
**Senator SHIRLEY K. TURNER**  
**District 15 (Mercer)**

**SYNOPSIS**

Requires written notice to municipalities concerning contaminated sites.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning contaminated sites, and supplementing Title 58  
2 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. a. Any person who performs a remediation of a contaminated  
8 site shall provide to the governing body of each municipality in  
9 which the contaminated site is located, a written notice of the  
10 location of the contaminated site including the address and the lot  
11 and block number.

12 b. When the Department of Environmental Protection conducts a  
13 remediation of a contaminated site using public money, the  
14 department shall provide to the governing body of each  
15 municipality in which the contaminated site is located, a written  
16 notice of the location of the contaminated site including the address  
17 and the lot and block number.

18 c. Notice pursuant to this section shall not be required when the  
19 remediation of a contaminated site is caused by a leaking residential  
20 underground storage tank used to store heating oil for on-site  
21 consumption in a one to four family residential building.

22

23 2. The department shall adopt, pursuant to the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules  
25 and regulations necessary to implement the provisions of this act.  
26 The rules and regulations shall include requirements for the  
27 notification of affected property owners when contamination has  
28 emanated from property where hazardous substances, hazardous  
29 waste, or hazardous pollutants have been discharged.

30

31 3. Within 30 days after the date of enactment of this act, the  
32 Department of Environmental Protection shall notify the governing  
33 body of each municipality in the State of the existence of the New  
34 Jersey master list of known hazardous discharge sites prepared  
35 pursuant to P.L.1982, c.202 (C.58:10-23.15 et seq.). The  
36 department shall notify the governing body of each municipality in  
37 the State that this list is also made available to the public on the  
38 Internet website maintained by the Department of Environmental  
39 Protection.

40

41 4. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 This bill would require any person who performs a remediation  
47 of a contaminated site to provide to the governing body of each  
48 municipality in which the contaminated site is located, a written

**S1708 TURNER**

1 notice of the location of the contaminated site. The bill also would  
2 require the Department of Environmental Protection (DEP), when  
3 conducting a remediation of a contaminated site using public  
4 money, to provide to the governing body of each municipality in  
5 which the contaminated site is located, a written notice of the  
6 location of the contaminated site. The notice requirements of the  
7 bill would not apply when the remediation of a contaminated site is  
8 caused by a leaking residential underground storage tank used to  
9 store heating oil for on-site consumption in a one to four family  
10 residential building. In addition, the bill would require the DEP to  
11 adopt regulations for notification requirements of affected property  
12 owners when contamination has emanated from property where  
13 hazardous substances, hazardous waste, or hazardous pollutants  
14 have been discharged.

15 Lastly, this bill would require the DEP, within 30 days after the  
16 date of enactment of this bill, to notify the governing body of each  
17 municipality in the State of the existence of the New Jersey master  
18 list of known hazardous discharge sites available on the DEP's  
19 website.



# SENATE, No. 1711

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 20, 2006

**Sponsored by:**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Requires written notice to municipalities concerning contaminated sites.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning contaminated sites, and supplementing Title 58  
2 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. a. Any person who performs a remediation of a contaminated  
8 site shall provide to the governing body of each municipality in  
9 which the contaminated site is located, a written notice of the  
10 location of the contaminated site including the address and the lot  
11 and block number.

12 b. When the Department of Environmental Protection conducts a  
13 remediation of a contaminated site using public money, the  
14 department shall provide to the governing body of each  
15 municipality in which the contaminated site is located, a written  
16 notice of the location of the contaminated site including the address  
17 and the lot and block number.

18 c. Notice pursuant to this section shall not be required when the  
19 remediation of a contaminated site is caused by a leaking residential  
20 underground storage tank used to store heating oil for on-site  
21 consumption in a one to four family residential building.

22

23 2. The department shall adopt, pursuant to the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules  
25 and regulations necessary to implement the provisions of this act.  
26 The rules and regulations shall include requirements for the  
27 notification of affected property owners when contamination has  
28 emanated from property where hazardous substances, hazardous  
29 waste, or hazardous pollutants have been discharged.

30

31 3. Within 30 days after the date of enactment of this act, the  
32 Department of Environmental Protection shall notify the governing  
33 body of each municipality in the State of the existence of the New  
34 Jersey master list of known hazardous discharge sites prepared  
35 pursuant to P.L.1982, c.202 (C.58:10-23.15 et seq.). The  
36 department shall notify the governing body of each municipality in  
37 the State that this list is also made available to the public on the  
38 Internet website maintained by the Department of Environmental  
39 Protection.

40

41 4. This act shall take effect immediately.

42

43

44

#### STATEMENT

45

46 This bill would require any person who performs a remediation  
47 of a contaminated site to provide to the governing body of each  
48 municipality in which the contaminated site is located, a written

1 notice of the location of the contaminated site. The bill also would  
2 require the Department of Environmental Protection (DEP), when  
3 conducting a remediation of a contaminated site using public  
4 money, to provide to the governing body of each municipality in  
5 which the contaminated site is located, a written notice of the  
6 location of the contaminated site. The notice requirements of the  
7 bill would not apply when the remediation of a contaminated site is  
8 caused by a leaking residential underground storage tank used to  
9 store heating oil for on-site consumption in a one to four family  
10 residential building. In addition, the bill would require the DEP to  
11 adopt regulations for notification requirements of affected property  
12 owners when contamination has emanated from property where  
13 hazardous substances, hazardous waste, or hazardous pollutants  
14 have been discharged.

15 Lastly, this bill would require the DEP, within 30 days after the  
16 date of enactment of this bill, to notify the governing body of each  
17 municipality in the State of the existence of the New Jersey master  
18 list of known hazardous discharge sites available on the DEP's  
19 website.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1708 and 1711**

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 15, 2006

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Committee Substitute for Senate Bill Nos. 1708 and 1711.

As amended by the committee, this bill would provide for public notification by any person who is responsible for conducting a remediation of a contaminated site. With regard to the environmental laws, remediation means all necessary actions to investigate and clean up any known, suspected, or threatened discharge of contaminants, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action.

**Section 1** of the bill, as amended, would require upon initiation of the remedial action phase of the remediation of a contaminated site that any person who is responsible for conducting a remediation of the contaminated site, including the DEP when it conducts a remediation of a contaminated site using public monies, to provide written notification describing the activities that are to take place at the contaminated site to the clerk of the municipality wherein the site is located. A remedial action means those actions taken at a site or offsite if a contaminant has migrated or is migrating which may involve the removal, treatment, containment, transportation, securing, or other engineering or treatment measures designed to ensure that any discharged contaminant is remediated in compliance with the applicable standards.

The written notice shall include notice of the location of the contaminated site, including address and the lot and block number of the contaminated site. The notice shall also inform the municipality that, upon its request, it may receive a copy of the remedial action workplan and any updates or status reports from the responsible party. The bill provides that if the remediation will take longer than two years to complete, then notification is required to be provided every two years until remediation is complete.

These notice requirements would not apply when the remediation of a contaminated site is caused by a leaking residential underground

storage tank used to store heating oil for on-site consumption in a one to four family residential building or an emergency response action.

**Section 2** of the bill, as amended, would require any person who is responsible for conducting a remediation of a contaminated site to submit a copy of the remedial action workplan and any updates or status reports to the clerk of the municipality wherein the contaminated site is located, upon the request of the municipality. A remedial action workplan is a plan for the remedial action to be undertaken at a site, or at any area to which a discharge originating at a site is migrating or has migrated. It includes a description of the remedial action to be used to remediate a site, a time schedule and cost estimate of the implementation of the remedial action and any other information the department deems necessary.

**Section 3** of the bill, as amended, would require any person who is responsible for conducting a remediation of a contaminated site to notify the public. The bill would require the DEP, within six months after enactment of the bill, to adopt rules setting forth the notice requirements. The rules would require any person responsible for conducting a remediation of a contaminated site to provide written notification to any local property owners and tenants who reside within 200 feet of the contaminated site. The notification would summarize site conditions and provide information about actions being taken to remediate the site and may require written notification or the posting of a sign visible to the public which would be located on the boundaries of the contaminated site.

**Section 4** of bill, as amended, defines “person responsible for conducting the remediation” as any person who executes or is otherwise subject to an oversight document. This section also defines “oversight document” as any document the Department of Environmental Protection or a court issues to define the role of a person participating in the remediation of a contaminated site or are of concern, and may include, without limitation, an administrative order, administrative consent order, court order, memorandum of understanding, memorandum of agreement, or remediation agreement.

**Section 5** of the bill, as amended, would require the DEP, within 30 days after the date of enactment of this bill, to notify the governing body of each municipality in the State of the existence of New Jersey’s master list of known hazardous discharge sites and that the list is made available to the public on the Internet website maintained by the Department of Environmental Protection.

This committee substitute is identical to ACS for A1893(1R)/1894(1R).

#### COMMITTEE AMENDMENTS

1. A new section 1 is inserted in the bill which would require, upon initiation of the remedial action phase of a remediation of a contaminated site, that any person who is responsible for conducting the remediation, including the DEP if its uses public monies, to

provide written notification to the clerk of the municipality wherein the site is located. The section specifies what information must be included in the notice. Written notification would not be required if the remediation involves a leaking residential underground storage tank for consumption in a one to four family residential building or an emergency response action.

2. Section 1 of the original bill was renumbered as section 2. The amendments also restructure this section to require the person responsible for conducting the remediation to submit a copy of the remedial action workplan and any updates or status reports to the clerk of the municipality, upon request of the municipality. This section originally required any person *performing* the remediation to provide written notification to the governing body of the municipality.

3. Section 2 of the original bill which required DEP to promulgate rules was omitted in its entirety.

4. New sections 3 and 4 were inserted. Section 3 requires the person responsible for conducting the remediation to provide notification to the public. This section also requires the DEP, within six months of enactment of the bill, to adopt rules setting forth the specific requirements for the public notice. Section 4 defines two new terms in the bill: “person responsible for conducting remediation” and “oversight document”

5. Section 3 of the original bill is renumbered as section 5. The provisions of this section remain the same as in the original bill. This section requires DEP, within 30 days of enactment of the bill, to notify the governing body of each municipality of the existence of a master list of known hazardous discharge sites in New Jersey and to notify these entities that this list is available on the DEP website.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1708 and 1711**

# **STATE OF NEW JERSEY**

DATED: MAY 8, 2006

The Senate Environment Committee favorably reports a Senate Committee Substitute for Senate Bill Nos. 1708 and 1711.

This committee substitute would require any person who performs a remediation of a contaminated site to provide to the governing body of each municipality in which the contaminated site is located, a written notice of the location of the contaminated site. The committee substitute also would require the Department of Environmental Protection (DEP), when conducting a remediation of a contaminated site using public money, to provide to the governing body of each municipality in which the contaminated site is located, a written notice of the location of the contaminated site. The notice requirements of the committee substitute would not apply when the remediation of a contaminated site is caused by a leaking residential underground storage tank used to store heating oil for on-site consumption in a one to four family residential building. In addition, the committee substitute would require the DEP to adopt regulations for notification requirements of affected property owners when contamination has emanated from property where hazardous substances, hazardous waste, or hazardous pollutants have been discharged.

Lastly, this committee substitute would require the DEP, within 30 days after the date of enactment of this committee substitute, to notify the governing body of each municipality in the State of the existence of the New Jersey master list of known hazardous discharge sites available on the DEP's website.

As released, the committee substitute is identical to Assembly Bill No. 1893 (1R).

**ASSEMBLY, No. 1893**

---

**STATE OF NEW JERSEY**

**212th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblywoman JOAN M. VOSS**

**District 38 (Bergen)**

**Co-Sponsored by:**

**Assemblyman Manzo**

**SYNOPSIS**

Requires DEP to provide written notice to municipality concerning possible contaminated sites.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 2/28/2006)**



1 AN ACT concerning contaminated sites, and supplementing Title 58  
2 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. The Department of Environmental Protection shall provide to  
8 the governing body of each municipality in which there is a known,  
9 suspected, or threatened discharge of contaminants, a written notice  
10 of the location of the discharge.

11

12 2. The department shall adopt, pursuant to the "Administrative  
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules  
14 and regulations necessary to implement the provisions of this act.

15

16 3. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would require the Department of Environmental  
22 Protection to provide to the governing body of each municipality in  
23 which there is a known, suspected, or threatened discharge of  
24 contaminants, a written notice of the location of the discharge.

# ASSEMBLY, No. 1894

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman Manzo**

**SYNOPSIS**

Requires person performing remediation to file environmental report with municipality.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 3/10/2006)**

1 AN ACT concerning the remediation of contaminated sites, and  
2 supplementing Title 58 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. a. Any person who performs a remediation of a contaminated  
8 site shall prepare and submit an environmental report concerning  
9 the remediation of the contaminated site to the clerk of the  
10 municipality wherein the contaminated site is located.

11 b. As used in this act, "person" means an individual,  
12 corporation, company, partnership, firm or other private business  
13 entity.

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would require any person who performs a remediation  
21 of a contaminated site to prepare and submit an environmental  
22 report concerning the remediation of a contaminated site to the  
23 clerk of the municipality wherein the contaminated site is located.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 1893 and 1894

# STATE OF NEW JERSEY

DATED: JUNE 15, 2006

The Assembly Judiciary Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 1893 and 1894.

This committee substitute would provide for public notification by any person who is responsible for conducting a remediation of a contaminated site. With regard to the environmental laws, remediation means all necessary actions to investigate and clean up any known, suspected, or threatened discharge of contaminants, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action.

**Section 1** of the substitute would require upon initiation of the remedial action phase of the remediation of a contaminated site any person who is responsible for conducting a remediation of the contaminated site, including when the Department of Environmental Protection conducts a remediation of a contaminated site using public monies, to provide written notification describing the activities that are to take place at the contaminated site to the clerk of the municipality wherein the site is located. A remedial action means those actions taken at a site or offsite if a contaminant has migrated or is migrating which may involve the removal, treatment, containment, transportation, securing, or other engineering or treatment measures designed to ensure that any discharged contaminant is remediated in compliance with the applicable standards.

The written notice would include notice of the location of the contaminated site, including address and the lot and block number of the contaminated site. The notice would also inform the municipality that, upon request the municipality may receive a copy of the remedial action workplan and any updates or status reports from the responsible party. The substitute provides that if the remediation will take longer than two years to complete, then notification is required to be provided every two years until remediation is complete.

This notice requirement would not apply when the remediation of a contaminated site is caused by a leaking residential underground storage tank used to store heating oil for on-site consumption in a one to four family residential building or an emergency response action.

**Section 2** of the substitute would require any person who is

responsible for conducting a remediation of a contaminated site to submit a copy of the remedial action workplan and any updates or status reports to the clerk of the municipality wherein the contaminated site is located, upon the request of the municipality. A remedial action workplan is a plan for the remedial action to be undertaken at a site, or at any area to which a discharge originating at a site is migrating or has migrated. It includes a description of the remedial action to be used to remediate a site, a time schedule and cost estimate of the implementation of the remedial action and any other information the department deems necessary.

**Section 3** of the substitute would require any person who is responsible for conducting a remediation of a contaminated site to notify the public. The substitute requires the DEP, within six months after enactment of the bill, to adopt rules setting forth the notice requirements. The rules shall require any person responsible for conducting a remediation of a contaminated site to provide written notification to any local property owners and tenants who reside within 200 feet of the contaminated site. The notification shall summarize site conditions and provide information about actions being taken to remediate the site and may require written notification or the posting of a sign visible to the public which shall be located on the boundaries of the contaminated site.

**Section 4** of substitute defines “person responsible for conducting the remediation” as any person who executes or is otherwise subject to an oversight document. This section also defines “oversight document” as any document the Department of Environmental Protection or a court issues to define the role of a person participating in the remediation of a contaminated site or are of concern, and may include, without limitation, an administrative order, administrative consent order, court order, memorandum of understanding, memorandum of agreement, or remediation agreement.

**Section 5** of the substitute would require the DEP, within 30 days after the date of enactment of this bill, to notify the governing body of each municipality in the State of the existence of New Jersey’s master list of known hazardous discharge sites and that the list is made available to the public on the Internet website maintained by the Department of Environmental Protection.

This committee substitute is identical to SCS for S1708/1711.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1893**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 27, 2006

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 1893.

This bill, as amended, would require any person who performs a remediation of a contaminated site to provide to the governing body of each municipality in which the contaminated site is located, a written notice of the location of the contaminated site. The bill also would require the Department of Environmental Protection (DEP), when conducting a remediation of a contaminated site using public money, to provide to the governing body of each municipality in which the contaminated site is located, a written notice of the location of the contaminated site. The notice requirements of the bill would not apply when the remediation of a contaminated site is caused by a leaking residential underground storage tank used to store heating oil for on-site consumption in a one to four family residential building. In addition, the bill would require the DEP to adopt regulations for notification requirements of affected property owners when contamination has emanated from property where hazardous substances, hazardous waste, or hazardous pollutants have been discharged.

Lastly, this bill would require the DEP, within 30 days after the dated enactment of this bill, to notify the governing body of each municipality in the State of the existence of the New Jersey master list of known hazardous discharge sites available on the DEP's website.

This bill was pre-filed for introduction in the 2006-2007 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) require the person performing a remediation of a contaminated site to provide written notice to the governing body in the municipality in which the site is located;

2) require the DEP to provide written notice to the governing body of each municipality in which the contaminated site is located when conducting a remediation of a contaminated site using public money;

3) require the DEP to adopt regulations for notification requirements of affected property owners when contamination has emanated from property where hazardous substances, hazardous waste, or hazardous pollutants have been discharged;

4) add the exception that written notice shall not be required when the remediation of a contaminated site is caused by a leaking residential underground storage tank used to store heating oil for on-site consumption in a one to four family residential building; and

5) require the DEP to notify the governing body of each municipality in the State of the existence of the New Jersey master list of known hazardous discharge sites made available on the DEP's website.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1894**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 9, 2006

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 1894.

This bill, as amended, would require any person who performs a remediation of a contaminated site to submit a copy of the remedial action workplan and any updates or status reports to the workplan required pursuant to the "Industrial Site Recovery Act," the "Brownfield and Contaminated Site Remediation Act," or the "Spill Compensation and Control Act" to the clerk of the municipality wherein the contaminated site is located at the same time that the workplan is submitted to the Department of Environmental Protection (DEP). Upon initiation of the remedial action phase of the remediation of a contaminated site, the bill, as amended, would require any person performing a remediation to provide written notification describing the activities that are to take place at the site to the clerk of the municipality. These notice requirements would not apply when the remediation of a contaminated site is caused by a leaking residential underground storage tank used to store heating oil for on-site consumption in a one to four family residential building.

In addition, the bill, as amended, would require any person who performs a remediation of a contaminated site to notify the public of the remediation of the contaminated site. The bill would further require the DEP to adopt rules and regulations setting forth the requirements for notification to the public of the remediation of a contaminated site. These rules and regulations may require, but need not be limited to: written notification to property owners and tenants of properties adjacent to the site; the publication of an announcement of the remedial action workplan in a local newspaper; a public informational meeting, upon request by the governing body of a municipality; a copy of the remedial action workplan to be provided to each local depository library for public review; and a sign visible to the public located on the boundaries of the property that provides contact information on the person performing the remediation for that contaminated site.



This bill was pre-filed for introduction in the 2006-2007 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) require any person performing a remediation of a contaminated site to submit a copy of the remedial action workplan and any updates or status reports to the workplan to the clerk of the municipality wherein the contaminated site is located at the same time that the workplan is submitted to the DEP;

2) upon initiation of the remedial action phase of a remediation of a contaminated site, require any person performing a remediation to provide a written notification describing the activities that are to take place at the site to the clerk of the municipality;

3) add the exception that the notice requirements of section 1 of the bill would not apply when the remediation of a contaminated site is caused by a leaking residential underground storage tank used to store heating oil for on-site consumption in a one to four family residential building;

4) require any person who performs a remediation of a contaminated site to notify the public of the remediation;

5) require the DEP to adopt rules and regulations setting forth the requirements for notification to the public of the remediation of a contaminated site; and

6) make technical corrections to the bill.