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P.L. 2007, CHAPTER 276, *approved January 13, 2008*  
Senate, No. 2199 (*First Reprint*)

1 AN ACT concerning contaminated sites, and amending P.L.2006,  
2 c.65.

3

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

6

7 1. Section 1 of P.L.2006, c.65 (C.58:10B-24.1) is amended to  
8 read as follows:

9 1. a. **【Upon】** Prior to the initiation of the remedial action phase  
10 of the remediation of a contaminated site, any person who is  
11 responsible for conducting a remediation of the contaminated site,  
12 including the Department of Environmental Protection when it  
13 conducts a remediation of a contaminated site using public monies,  
14 shall provide written notification describing the activities that are to  
15 take place at the contaminated site to the clerk of the municipality  
16 and to the county health department and the '【certified】' local  
17 health agency wherein the site is located. The written notice shall  
18 include notice of the location of the contaminated site, including  
19 address and the lot and block number of the contaminated site. The  
20 written notice shall also inform the municipality, county health  
21 department, and '【certified】' local health agency that **【it】** they may  
22 receive a copy of the remedial action workplan and any updates or  
23 status reports , and a copy of the site health and safety plan, from  
24 the responsible party, upon request. For any remediation of a  
25 contaminated site that will take longer than two years to complete,  
26 notification shall be provided every two years until remediation is  
27 complete.

28 b. Notice required pursuant to this section shall not be required  
29 when the remediation of a contaminated site is caused by a leaking  
30 residential underground storage tank used to store heating oil for  
31 on-site consumption in a one to four family residential building or  
32 an emergency response action.

33 (cf: P.L.2006, c.65, s.1)

34

35 2. Section 2 of P.L.2006, c.65 (C.58:10B-24.2) is amended to  
36 read as follows:

37 2. Upon request of a municipality, any person who is  
38 responsible for conducting a remediation of a contaminated site  
39 shall submit a copy of a remedial action workplan and any updates  
40 or status reports pursuant to the “Industrial Site Recovery Act,”  
41 P.L.1983, c.330 (C.13:1K-6 et seq.), the “Brownfield and  
42 Contaminated Site Remediation Act,” P.L.1997, c.278 (C.58:10B-  
43 1.1 et al.), or the “Spill Compensation and Control Act,” P.L.1976,

**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 SEN committee amendments adopted January 29, 2007.

1 c.141 (C.58:10-23.11 et seq.) , and a copy of the site health and  
2 safety plan, to the clerk of the municipality wherein the  
3 contaminated site is located at the same time as the workplan is  
4 submitted to the Department of Environmental Protection. Upon  
5 request of a county health department or a '[certified]' local health  
6 agency, the person who is responsible for conducting a remediation  
7 of a contaminated site shall also submit a copy of the remedial  
8 action workplan and any updates or status reports, and a copy of the  
9 site health and safety plan, to the county health department or  
10 '[certified]' local health agency, respectively.

11 (cf: P.L.2006, c.65, s.2)

12

13 3. Section 4 of P.L.2006, c.65 (C.58:10B-24.4) is amended to  
14 read as follows:

15 4. For the purposes of P.L.2006, c.65 (C.58:10B-24.1 et seq.):

16 '["Certified local health agency" means a "certified local health  
17 agency" as defined in section 3 of P.L.1977, c.443 (C.26:3A2-23).]

18 "Local health agency" means a "local health agency" as defined  
19 in section 3 of P.L.1966, c.36 (C.26:2F-3).<sup>1</sup>

20 ["Person responsible for conducting the remediation" means any  
21 person who executes or is otherwise subject to an oversight  
22 document.]

23 "Oversight document" means any document the Department of  
24 Environmental Protection or a court issues to define the role of a  
25 person participating in the remediation of a contaminated site or are  
26 of concern, and may include, without limitation, an administrative  
27 order, administrative consent order, court order, memorandum of  
28 understanding, memorandum of agreement, or remediation  
29 agreement.

30 "Person who is responsible for conducting a remediation" means  
31 any person who executes or is otherwise subject to an oversight  
32 document.

33 "Site health and safety plan" means a plan '[that specifies the  
34 on-site emergency actions to be taken and a delineation of local  
35 emergency services that would be required from police, fire,  
36 emergency, medical services, and public health response teams]  
37 designed to protect the health and safety of persons working on a  
38 contaminated site and required pursuant to the rules and regulations  
39 establishing the technical requirements for site remediation adopted  
40 pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.)<sup>1</sup> .

41 (cf: P.L.2006, c.65, s.4)

42

43 4. Section 5 of P.L.2006, c.65 <sup>1</sup>[(C.58"10B-24.5)] (C.58:10B-  
44 24.5)<sup>1</sup> is amended to read as follows:

45 5. Within 30 days after the date of enactment of this act, the  
46 Department of Environmental Protection shall notify the governing  
47 body of each municipality in the State and each county health

1 department and '【certified】' local health agency of the existence of  
2 the New Jersey master list of known hazardous discharge sites  
3 prepared pursuant to P.L.1982, c.202 (C.58:10-23.15 et seq.). The  
4 department shall notify the governing body of each municipality in  
5 the State and each county health department and '【certified】' local  
6 health agency that this list is also made available to the public on  
7 the Internet website maintained by the Department of  
8 Environmental Protection.  
9 (cf: P.L.2006, c.65, s.5)

10

11 5. This act shall take effect immediately.

12

13

14

15

16 Requires written notice to be provided to county health  
17 departments and local health agencies concerning contaminated  
18 sites.

[Corrected Copy]

**SENATE, No. 2199**

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

INTRODUCED SEPTEMBER 25, 2006

**Sponsored by:**  
**Senator BARBARA BUONO**  
**District 18 (Middlesex)**

**SYNOPSIS**

Requires written notice to be provided to county health departments and certified local health agencies concerning contaminated sites.

**CURRENT VERSION OF TEXT**

As introduced.



S2199 BUONO

2

1 AN ACT concerning contaminated sites, and amending P.L.2006,  
2 c.65.

3

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

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7 1. Section 1 of P.L.2006, c.65 (C.58:10B-24.1) is amended to  
8 read as follows:

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

27 b. Notice required pursuant to this section shall not be required  
28 when the remediation of a contaminated site is caused by a leaking  
29 residential underground storage tank used to store heating oil for  
30 on-site consumption in a one to four family residential building or  
31 an emergency response action.

32 (cf: P.L.2006, c.65, s.1)

33

34 2. Section 2 of P.L.2006, c.65 (C.58:10B-24.2) is amended to  
35 read as follows:

36 2. Upon request of a municipality, any person who is  
37 responsible for conducting a remediation of a contaminated site  
38 shall submit a copy of a remedial action workplan and any updates  
39 or status reports pursuant to the “Industrial Site Recovery Act,”  
40 P.L.1983, c.330 (C.13:1K-6 et seq.), the “Brownfield and  
41 Contaminated Site Remediation Act,” P.L.1997, c.278 (C.58:10B-  
42 1.1 et al.), or the “Spill Compensation and Control Act,” P.L.1976,  
43 c.141 (C.58:10-23.11 et seq.) , and a copy of the site health and  
44 safety plan, to the clerk of the municipality wherein the  
45 contaminated site is located at the same time as the workplan is

**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.

1 submitted to the Department of Environmental Protection. Upon  
2 request of a county health department or a certified local health  
3 agency, the person who is responsible for conducting a remediation  
4 of a contaminated site shall also submit a copy of the remedial  
5 action workplan and any updates or status reports, and a copy of the  
6 site health and safety plan, to the county health department or  
7 certified local health agency, respectively.

8 (cf: P.L.2006, c.65, s.2)

9  
10 3. Section 4 of P.L.2006, c.65 (C.58:10B-24.4) is amended to  
11 read as follows:

12 4. For the purposes of P.L.2006, c.65 (C.58:10B-24.1 et seq.):

13 “Certified local health agency” means a “certified local health  
14 agency” as defined in section 3 of P.L.1977, c.443 (C.26:3A2-23).

15 **【**“Person responsible for conducting the remediation” means any  
16 person who executes or is otherwise subject to an oversight  
17 document.**】**

18 “Oversight document” means any document the Department of  
19 Environmental Protection or a court issues to define the role of a  
20 person participating in the remediation of a contaminated site or are  
21 of concern, and may include, without limitation, an administrative  
22 order, administrative consent order, court order, memorandum of  
23 understanding, memorandum of agreement, or remediation  
24 agreement.

25 “Person who is responsible for conducting a remediation” means  
26 any person who executes or is otherwise subject to an oversight  
27 document.

28 “Site health and safety plan” means a plan that specifies the on-  
29 site emergency actions to be taken and a delineation of local  
30 emergency services that would be required from police, fire,  
31 emergency, medical services, and public health response teams.

32 (cf: P.L.2006, c.65, s.4)

33  
34 4. Section 5 of P.L.2006, c.65 (C.58:10B-24.5) is amended to  
35 read as follows:

36 5. Within 30 days after the date of enactment of this act, the  
37 Department of Environmental Protection shall notify the governing  
38 body of each municipality in the State and each county health  
39 department and certified local health agency of the existence of the  
40 New Jersey master list of known hazardous discharge sites prepared  
41 pursuant to P.L.1982, c.202 (C.58:10-23.15 et seq.). The  
42 department shall notify the governing body of each municipality in  
43 the State and each county health department and certified local  
44 health agency that this list is also made available to the public on



1 the Internet website maintained by the Department of  
2 Environmental Protection.

3 (cf: P.L.2006, c.65, s.5)

4

5 5. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill would amend current law to require any person who  
11 performs a remediation of a contaminated site, including the  
12 Department of Environmental Protection when it conducts a  
13 remediation of a contaminated site using public monies, to provide  
14 to the county health department and certified local health agency of  
15 the county in which the contaminated site is located, a written  
16 notice of the location of the contaminated site. The bill would  
17 amend current law to require any person who is responsible for  
18 conducting a remediation of a contaminated site to submit a copy of  
19 a remedial action workplan and a copy of the site health and safety  
20 plan to the county health department and certified local health  
21 agency. The bill would also amend current law to require the  
22 Department of Environmental Protection to notify each county  
23 health department and certified local health agency of the existence  
24 of the New Jersey master list of known hazardous discharge sites.  
25 As defined in this act, a site health and safety plan means a plan that  
26 specifies the on-site emergency actions to be taken and a  
27 delineation of local emergency services that would be required from  
28 police, fire, emergency, medical services, and public health  
29 response teams.

30 Current law requires any person who performs a remediation of a  
31 contaminated site to provide to the clerk of each municipality in  
32 which the contaminated site is located, a written notice of the  
33 location of the contaminated site. Current law also requires any  
34 person who is responsible for conducting a remediation of a  
35 contaminated site to submit, upon request, a copy of a remedial  
36 action workplan to the clerk of the municipality wherein the site is  
37 located. In addition, current law also requires the Department of  
38 Environmental Protection to notify the governing body of each  
39 municipality of the existence of the New Jersey master list of  
40 known hazardous discharge sites.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

[First Reprint]  
**SENATE, No. 2199**

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 2007

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 2199 (1R).

This bill would amend current law to require any person who performs a remediation of a contaminated site, including the Department of Environmental Protection (DEP) when it conducts a remediation of a contaminated site using public monies, to provide to the county health department and local health agency where the contaminated site is located, a written notification describing the activities that are to take place at the contaminated site, including the location of the contaminated site, and that upon request, they may receive a copy of a remedial action workplan and a copy of the site health and safety plan. The bill would also require that the notification sent to the municipality provide that upon request, it may receive a copy of the site health and safety plan. As amended, the bill defines a site health and safety plan to mean a plan designed to protect the health and safety of persons working on a contaminated site and required pursuant to the rules and regulations establishing the technical requirements for site remediation adopted pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.).

The bill would also amend current law to require the DEP to notify each county health department and local health agency of the existence of the New Jersey master list of known hazardous discharge sites.

As reported by the committee, this bill is identical to Assembly Bill No. 3918 as amended and reported by the committee.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 2199**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 29, 2007

The Senate Environment Committee favorably reports Senate Bill No. 2199 with committee amendments.

As amended, this bill would amend current law to require any person who performs a remediation of a contaminated site, including the Department of Environmental Protection when it conducts a remediation of a contaminated site using public monies, to provide to the county health department and local health agency where the contaminated site is located, a written notification describing the activities that are to take place at the contaminated site, including the location of the contaminated site, and that upon request, they may receive a copy of a remedial action workplan and a copy of the site health and safety plan. The bill would also require that the notification sent to the municipality provide that upon request, it may receive a copy of the site health and safety plan. The bill would also amend current law to require the Department of Environmental Protection to notify each county health department and local health agency of the existence of the New Jersey master list of known hazardous discharge sites.

As amended, the bill defines a site health and safety plan to mean a plan designed to protect the health and safety of persons working on a contaminated site and required pursuant to the rules and regulations establishing the technical requirements for site remediation adopted pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.).

The amendments would require the notices to be sent to local health agencies, rather than only certified local health agencies. A "local health agency" is any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health program pursuant to law. Further, the amendments would clarify the definition of "site health and safety plan" to mean a plan designed to protect the health and safety of persons working on a contaminated site and required pursuant to the rules and regulations establishing the technical requirements for site remediation adopted pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.). Under the current

regulations establishing technical requirements for site remediation, any person conducting remediation activities is required to prepare a health and safety plan (N.J.A.C.7:26E-1.9).

**ASSEMBLY, No. 3918**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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INTRODUCED JANUARY 9, 2007

**Sponsored by:**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman WILFREDO CARABALLO**

**District 29 (Essex and Union)**

**Assemblyman BRIAN P. STACK**

**District 33 (Hudson)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

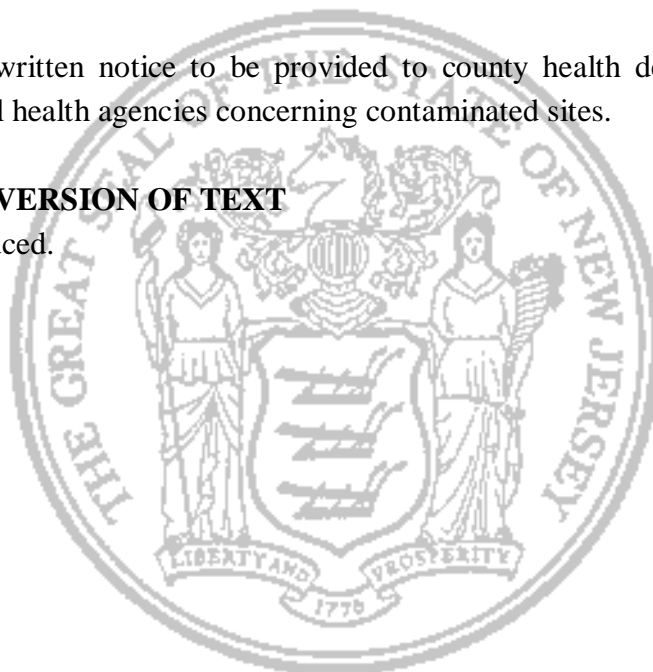
**Assemblywoman Lampitt, Assemblymen Barnes, Vas, Egan, Whelan and Scalera**

**SYNOPSIS**

Requires written notice to be provided to county health departments and certified local health agencies concerning contaminated sites.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/7/2007)**

1 AN ACT concerning contaminated sites, and amending P.L.2006,  
2 c.65.

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17 agency wherein the site is located. The written notice shall include  
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19 and the lot and block number of the contaminated site. The written  
20 notice shall also inform the municipality, county health department,  
21 and certified local health agency that **it** they may receive a copy  
22 of the remedial action workplan and any updates or status reports ,  
23 and a copy of the site health and safety plan, from the responsible  
24 party, upon request. For any remediation of a contaminated site  
25 that will take longer than two years to complete, notification shall  
26 be provided every two years until remediation is complete.

27 b. Notice required pursuant to this section shall not be required  
28 when the remediation of a contaminated site is caused by a leaking  
29 residential underground storage tank used to store heating oil for  
30 on-site consumption in a one to four family residential building or  
31 an emergency response action.

32 (cf: P.L.2006, c.65, s.1)

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34 2. Section 2 of P.L.2006, c.65 (C.58:10B-24.2) is amended to  
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36 2. Upon request of a municipality, any person who is  
37 responsible for conducting a remediation of a contaminated site  
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39 or status reports pursuant to the "Industrial Site Recovery Act,"  
40 P.L.1983, c.330 (C.13:1K-6 et seq.), the "Brownfield and  
41 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-  
42 1.1 et al.), or the "Spill Compensation and Control Act," P.L.1976,  
43 c.141 (C.58:10-23.11 et seq.) , and a copy of the site health and  
44 safety plan, to the clerk of the municipality wherein the  
45 contaminated site is located at the same time as the workplan is

**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.

1 submitted to the Department of Environmental Protection. Upon  
2 request of a county health department or a certified local health  
3 agency, the person who is responsible for conducting a remediation  
4 of a contaminated site shall also submit a copy of the remedial  
5 action workplan and any updates or status reports, and a copy of the  
6 site health and safety plan, to the county health department or  
7 certified local health agency, respectively.

8 (cf: P.L.2006, c.65, s.2)

9  
10 3. Section 4 of P.L.2006, c.65 (C.58:10B-24.4) is amended to  
11 read as follows:

12 4. For the purposes of P.L.2006, c.65 (C.58:10B-24.1 et seq.):

13 “Certified local health agency” means a “certified local health  
14 agency” as defined in section 3 of P.L.1977, c.443 (C.26:3A2-23).

15 **【“Person responsible for conducting the remediation” means any**  
16 **person who executes or is otherwise subject to an oversight**  
17 **document.】**

18 "Oversight document" means any document the Department of  
19 Environmental Protection or a court issues to define the role of a  
20 person participating in the remediation of a contaminated site or are  
21 of concern, and may include, without limitation, an administrative  
22 order, administrative consent order, court order, memorandum of  
23 understanding, memorandum of agreement, or remediation  
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25 “Person who is responsible for conducting a remediation” means  
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28 “Site health and safety plan” means a plan that specifies the on-  
29 site emergency actions to be taken and a delineation of local  
30 emergency services that would be required from police, fire,  
31 emergency, medical services, and public health response teams.

32 (cf: P.L.2006, c.65, s.4)

33  
34 4. Section 5 of P.L.2006, c.65 (C.58:10B-24.5) is amended to  
35 read as follows:

36 5. Within 30 days after the date of enactment of this act, the  
37 Department of Environmental Protection shall notify the governing  
38 body of each municipality in the State and each county health  
39 department and certified local health agency of the existence of the  
40 New Jersey master list of known hazardous discharge sites prepared  
41 pursuant to P.L.1982, c.202 (C.58:10-23.15 et seq.). The  
42 department shall notify the governing body of each municipality in  
43 the State and each county health department and certified local  
44 health agency that this list is also made available to the public on  
45 the Internet website maintained by the Department of  
46 Environmental Protection.

47 (cf: P.L.2006, c.65, s.5)

1       5. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would amend current law to require any person who  
7 performs a remediation of a contaminated site, including the  
8 Department of Environmental Protection when it conducts a  
9 remediation of a contaminated site using public monies, to provide  
10 to the county health department and certified local health agency of  
11 the county in which the contaminated site is located, a written  
12 notice of the location of the contaminated site. The bill would  
13 amend current law to require any person who is responsible for  
14 conducting a remediation of a contaminated site to submit a copy of  
15 a remedial action workplan and a copy of the site health and safety  
16 plan to the county health department and certified local health  
17 agency. The bill would also amend current law to require the  
18 Department of Environmental Protection to notify each county  
19 health department and certified local health agency of the existence  
20 of the New Jersey master list of known hazardous discharge sites.  
21 As defined in this act, a site health and safety plan means a plan that  
22 specifies the on-site emergency actions to be taken and a  
23 delineation of local emergency services that would be required from  
24 police, fire, emergency, medical services, and public health  
25 response teams.

26       Current law requires any person who performs a remediation of a  
27 contaminated site to provide to the clerk of each municipality in  
28 which the contaminated site is located, a written notice of the  
29 location of the contaminated site. Current law also requires any  
30 person who is responsible for conducting a remediation of a  
31 contaminated site to submit, upon request, a copy of a remedial  
32 action workplan to the clerk of the municipality wherein the site is  
33 located. In addition, current law also requires the Department of  
34 Environmental Protection to notify the governing body of each  
35 municipality of the existence of the New Jersey master list of  
36 known hazardous discharge sites.



ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3918**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 2007

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 3918.

As amended by the committee, this bill would amend current law to require any person who performs a remediation of a contaminated site, including the Department of Environmental Protection (DEP) when it conducts a remediation of a contaminated site using public monies, to provide to the county health department and local health agency where the contaminated site is located, a written notification describing the activities that are to take place at the contaminated site, including the location of the contaminated site, and that upon request, they may receive a copy of a remedial action workplan and a copy of the site health and safety plan. The bill would also require that the notification sent to the municipality provide that upon request, it may receive a copy of the site health and safety plan. As amended, the bill defines a site health and safety plan to mean a plan designed to protect the health and safety of persons working on a contaminated site and required pursuant to the rules and regulations establishing the technical requirements for site remediation adopted pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.).

The bill would also amend current law to require the DEP to notify each county health department and local health agency of the existence of the New Jersey master list of known hazardous discharge sites.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2199 (1R) as also reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- (1) require the notices to be sent to local health agencies, rather than certified local health agencies;
- (2) add a definition of “local health agency”; and
- (3) clarify the definition of “site health and safety plan” to mean a plan designed to protect the health and safety of persons working on a contaminated site and required pursuant to the rules and regulations

establishing the technical requirements for site remediation adopted pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.).