

58:10-23.15 to 58:10-23.19

LEGISLATIVE HISTORY CHECKLIST

NJS: 58:10-23.15 to 58:10-23.19 (Hazardous substances--DEP directed to prepare 1st list of sites where discharge occurred)

LAWS 1982 CHAPTER 202

Bill No. A285

Sponsor(s) Smith

Date Introduced Pre-filed

Committee: Assembly Agriculture and Environment

Senate Energy and Environment

Amended during passage Yes No Amendments denoted by asterisks

according to Governor's recommendations: Date of Passage: Assembly June 14, 1982 Re-enacted 11-29-82

Senate Sept. 16, 1982 Re-enacted 12-13-82

Date of approval Dec. 16, 1982

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

A1255, mentioned in §2 of act, enacted as : L.1983, c.222.

6/22/81

12-16-82

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## ASSEMBLY, No. 285

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblyman SMITH

AN ACT concerning the identification, ranking, and cleanup and removal of hazardous discharges.

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

1 1. As used in this act:

2 a. "Department" means the Department of Environmental  
3 Protection.

4 b. "Hazardous discharge" means the actual or imminent release,  
5 spill, leak, emission, or dumping of any hazardous substance into  
6 the environment which represents a threat to public health and  
7 safety or the environment.

8 c. "Hazardous substances" means the elements and compounds,  
9 including petroleum products, which are defined as such by the  
10 department, after public hearing, and which shall be consistent to  
11 the maximum extent possible with, and which shall include, the list  
12 of hazardous substances adopted by the Federal Environmental  
13 Protection Agency pursuant to section 311 of the "Federal Water  
14 Pollution Control Act \***[Amendments of 1972]**\*" (33 U. S. C.  
15 § 1321) \***[as amended by the Clean Water Act of 1977 (33 U. S. C.**  
16 **§ 1251 et seq.)]**\* and the list of toxic pollutants designated by  
17 Congress or the Environmental Protection Agency pursuant to  
18 section 307 of that act \*(33 U. S. C. § 1317)\*; except that sewage  
19 and sewage sludge shall not be considered as hazardous substances  
20 for the purposes of this act.

1 2. The department shall prepare and adopt a master \***[plan]**\*  
2 \*list\* for the cleanup of hazardous discharge sites. The master

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted May 24, 1982.**

3 **\*[plan]\*** *\*list\** shall comprise an inventory of all the known  
 4 hazardous discharge sites in the State *\*which have been cleaned up*  
 5 *prior to the effective date of this act, which have been identified*  
 6 *as in need of cleanup, or which will be cleaned up subsequent to*  
 7 *the effective date of this act\**, and a ranking, based on **\*[an accepted**  
 8 **methodology]\*** *\*criteria established by the "Hazardous Substance*  
 9 *Contingency Response Task Force" created pursuant to P. L. 198* ,  
 10 *c. (C. ) (now pending before the Legislature as*  
 11 *Assembly Bill No. 1255 of 1982)\**, of the sites in the order of the  
 12 seriousness of the threat they pose to the public health and safety,  
 13 and, accordingly, the order in which the department intends to  
 14 clean up the sites using funds from the "New Jersey Spill Compen-  
 15 sation Fund," established pursuant to P. L. 1976, c. 141 (C.  
 16 58:10-23.11 et seq.), or from the "Hazardous Discharge Fund,"  
 17 established pursuant to P. L. 1981, c. 275. The department shall  
 18 review the master **\*[plan]\*** *\*list\** every 6 months and supple-  
 19 ment it as necessary, but shall revise the order of the ranking of  
 20 the sites only in the event of an emergency situation.

1 3. The department shall prepare and adopt the master **\*[plan]\***  
 2 *\*list\** as follows, the provisions of the "Administrative Procedure  
 3 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) or any other law  
 4 to the contrary notwithstanding:

5 a. Within 6 months of the effective date of this act, the depart-  
 6 ment shall prepare a proposed master **\*[plan]\*** *\*list\** and make it  
 7 available to the governing body of each municipality in which there  
 8 is located a hazardous discharge site, and to all other interested  
 9 persons.

10 b. Within 8 months of the effective date of this act the depart-  
 11 ment shall conduct public hearings in the several geographic areas  
 12 of the state on the proposed master **\*[plan]\*** *\*list\**. Notice of these  
 13 hearings shall be published at least 30 days in advance of the  
 14 hearing in at least two newspapers circulating in the specific geo-  
 15 graphic area where the hearing will be held.

16 c. Within 1 year of the effective date of this act the department  
 17 shall consider all the testimony presented at the public hearings,  
 18 make such revisions to the proposed master **\*[plan]\*** *\*list\** as it  
 19 deems necessary or appropriate, and adopt the master **\*[plan]\***  
 20 *\*list\**.

1 4. Any governing body of a municipality which, after receiving  
 2 approval from the department, removes and cleans up, or causes to  
 3 be removed and cleaned up, a hazardous discharge site included on  
 4 the master **\*[plan]\*** *\*list\** prepared and adopted by the department  
 5 pursuant to this act, shall be reimbursed by the department for

6 the costs of that cleanup and removal \***[up to the limits imposed**  
 7 **by P. L. 1976, c. 141 (C. 58:10-23.11 et seq.)]**\* *as established pur-*  
 8 *suant to the provisions of section 5 of this act*\*. The reimbursement  
 9 shall be made when *funds are made available pursuant to P. L.*  
 10 *1981, c. 406 or when*\*, pursuant to the ranking of the hazardous  
 11 discharge sites on the master **\*[plan]** *list*\*, the department would  
 12 have acted to clean up and remove the hazardous discharge *which-*  
 13 *ever is sooner*\*.

1 *\*5. a. The governing body of any municipality which intends to*  
 2 *remove or clean up a hazardous discharge site included on the*  
 3 *master list shall submit to the department a written estimate of the*  
 4 *cost of the cleanup or removal.*

5 *b. The department shall, within 30 days of the receipt of the*  
 6 *estimate approve, modify or disapprove the estimate.\**

1 **\*[5.]** *\*6.\* This act shall take effect immediately.*

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9 to P. L. 1976, c. 141 (C. 58:10-23.11 et seq.), or from the "Hazardous  
10 Discharge Fund," established pursuant to P. L. 1981, c. 275. The  
11 department shall review the master plan every 6 months and supple-  
12 ment it as necessary, but shall revise the order of the ranking of  
13 the sites only in the event of an emergency situation.

1 3. The department shall prepare and adopt the master plan as  
2 follows, the provisions of the "Administrative Procedure Act,"  
3 P. L. 1968, c. 410 (C. 52:14B-1 et seq.) or any other law to the  
4 contrary notwithstanding:

5 a. Within 6 months of the effective date of this act, the depart-  
6 ment shall prepare a proposed master plan and make it available  
7 to the governing body of each municipality in which there is located  
8 a hazardous discharge site, and to all other interested persons.

9 b. Within 8 months of the effective date of this act the depart-  
10 ment shall conduct public hearings in the several geographic areas  
11 of the state on the proposed master plan. Notice of these hearings  
12 shall be published at least 30 days in advance of the hearing in  
13 at least two newspapers circulating in the specific geographic area  
14 where the hearing will be held.

15 c. Within 1 year of the effective date of this act the department  
16 shall consider all the testimony presented at the public hearings,  
17 make such revisions to the proposed master plan as it deems  
18 necessary or appropriate, and adopt the master plan.

1 4. Any governing body of a municipality which, after receiving  
2 approval from the department, removes and cleans up, or causes to  
3 be removed and cleaned up, a hazardous discharge site included on  
4 the master plan prepared and adopted by the department pursuant  
5 to this act, shall be reimbursed by the department for the costs of  
6 that cleanup and removal up to the limits imposed by P. L. 1976,  
7 c. 141 (C. 58:10-23.11 et seq.). The reimbursement shall be made  
8 when, pursuant to the ranking of the hazardous discharge sites on  
9 the master plan, the department would have acted to clean up and  
10 remove the hazardous discharge.

1 5. This act shall take effect immediately.

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#### STATEMENT

This bill directs the Department of Environmental Protection to prepare a master plan of all the known sites where discharges of hazardous substances have occurred or are in danger of occurring. The master plan would rank the sites in the order of the seriousness of the threat they pose to public health and safety, and, accordingly, the order in which the department will clean them up using funds

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from the New Jersey Spill Compensation Fund or from the Hazardous Discharge Bond Act (P. L. 1981, c. 275). The sites would be ranked using a methodology such as the Mitre Model, which has been approved by the Federal Environmental Protection Agency, pursuant to the federal "Superfund" legislation, as a means to determine the relative danger of hazardous discharge sites.

This bill also provides that the master plan be prepared and adopted in a public manner allowing participation by concerned parties. The department is directed to review the master plan every six months, and supplement it if necessary, but is prohibited from changing the order of the ranking of the sites except in the event of an emergency situation.

This bill further provides that a municipality which cleans up a discharge site will be reimbursed by the department for the costs of the cleanup, up to the limits allowed by the "Spill Compensation and Control Act." The reimbursement would be made at the time when, according to the master plan, the department would have acted to clean up the site.

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SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 285**

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**STATE OF NEW JERSEY**

DATED: JUNE 24, 1982

Assembly Bill No. 285 OCR requires the Department of Environmental protection to prepare a list of all known sites of actual or imminent hazardous discharges, ranked in the order of the seriousness of their threat to public health and safety, and, consequently, in the order in which their cleanup would be funded from the Spill Compensation Fund or the Hazardous Discharge Fund.

This list would serve as a priority list for reimbursement to local governments that use their own moneys to cleanup hazardous discharges in their jurisdictions. If a municipality decides to cleanup a hazardous discharge on the list, it must first submit an estimate of the cost to the department. If a municipality cleans up a site for which the estimate has been approved by the department, it will be reimbursed by the department at the time when, based on the order of sites on the list, the department would have acted to clean up the site.

The sites on the department's list would be ranked based on criteria developed by the Hazardous Substance Contingency Response Task Force.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

NOV 15 1982

ASSEMBLY BILL NO. 285

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 285 with my objections and recommendations for amendment.

This bill concerns the identification, ranking, clean up and removal of hazardous discharges. It requires the Department of Environmental Protection to prepare a master list of all known sites where discharges of hazardous substances have occurred or are in danger of occurring. It also requires the Department to reimburse the governing body of any municipality which cleans up a hazardous discharge site after submitting a plan and a cost estimate for the clean up to the Department.

Although I find no fault with the purpose of the bill, I would recommend that several technical changes be made to the bill in the interests of consistency with other laws concerning hazardous discharges and the need to give the Department adequate flexibility to make use of all appropriate funding sources to reimburse municipalities for their clean up efforts.

Therefore, I herewith return Assembly Bill No. 285 and recommend the following amendments for concurrence by the Legislature.

Page 1, Section 1, Lines 4-20: DELETE entirely and INSERT "b. "Hazardous discharge" means a discharge of hazardous substances as defined in P.L. 1976, c.141 (C.58:10-23.11b) or a hazardous discharge as defined in P.L. 1981, c.275."

Page 2, Section 2 Lines 8-20: Following the words "established by the", DELETE entirely and INSERT "department pursuant to P.L. 198, c. (C. ) (now pending before the Legislature as Assembly Bill No. 1255 of 1982), of the sites in the order in which the department intends to clean up the sites. The department shall review the master list at least once every six months and modify it as necessary."

Page 2, Section 4, Line 5: After "reimbursed" DELETE "by the department" and INSERT "from appropriate funding sources".

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Page 3, Section 4, Lines 9-10: After "available", DELETE "pursuant to P.L. 1981, c.406 or when" and INSERT "and,".

Page 3, Section 4, Lines 12-13: After "discharge", DELETE "whichever is sooner" and INSERT ".".

Page 3, Section 5, Line 3: After "department a", INSERT "plan for the clean up and removal which shall include a".

Page 3, Section 5, Line 6: DELETE entirely and INSERT "plan approve, modify or disapprove the plan."

Respectfully,

/s/ Thomas H. Kean  
Governor

[seal]

Attest:

/s/ W. Cary Edwards  
Chief Counsel to the Governor