

58:10-23.11f1

LEGISLATIVE HISTORY CHECKLIST
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(Hazardous
substances--transfer
over water)

LAWS OF: 1990

CHAPTER: 80

Bill No: A3268

Sponsor(s): Otlowski

Date Introduced: March 22, 1990

Committee: Assembly: Energy & Environment

Senate: -----

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 14, 1990

Senate: June 18, 1990

Date of Approval: July 21, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[THIRD REPRINT]
ASSEMBLY, No. 3268

STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1990

By Assemblymen OTLOWSKI, McGREEVEY, Doria, Scerni, Hudak, Deverin, Jacobson, Schwartz, Spadoro, Duch, Gill, Mazur, Mecca, Baer, Naples, Pelly, Watson, Charles, Kronick, Salmon, Smith, Cohen, Menendez, Bryant, Assemblywoman Ford, Assemblymen Doyle, Villapiano, Cimino, Imprevuduto and Kenny

1 AN ACT concerning ¹[pipeline]¹ transfers ¹of hazardous
2 substances¹, and supplementing P.L.1976, c.141 (C.58:10-23.11
3 et seq.).
4

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

7 1. ¹[The provisions of any other law, or rule or regulation
8 adopted pursuant thereto to the contrary notwithstanding, no
9 owner or operator of a major facility may transfer petroleum
10 through pipelines that traverse the waters of the State from dusk
11 to dawn] An owner or operator of a refinery, storage, transfer
12 terminal, or pipeline facility, or a vessel that transports a
13 hazardous substance, shall provide during non-daylight hours
14 illumination for any transfer of the hazardous substance between
15 the facility and such vessel, or among two or more vessels.
16 Illumination shall be provided at each transfer connection point in
17 use, and for adjacent facility or vessel areas, and surrounding
18 waters. The intensity and area of illumination shall be sufficient
19 in the estimation of the department, to permit the visual
20 detection of a discharge of a hazardous substance into the land or
21 waters of the State. To the extent practicable and necessary to
22 effectuate the purposes of this section, the department may
23 require illumination of locations at which underwater
24 transmission pipelines ³[come] emerge³ onto the lands of the
25 State.

26 The department shall, within one year of the effective date of
27 this act, adopt guidelines for the implementation of its
28 provisions. The guidelines shall, to the maximum extent
29 practicable, be consistent with applicable United States Coast
30 Guard standards or requirements adopted for hazardous substance
31 transfers from vessels during non-daylight hours.

32 The department may use monies from ²[fees established
33 pursuant to section 15 of P.L. , c. (C.) (pending in the
34 Legislature as Assembly Committee Substitute for Assembly Bill
35 No. 3262 (1990))] the New Jersey Spill Compensation Fund, as

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:

¹ Assembly AEE committee amendments adopted April 23, 1990.

² Assembly floor amendments adopted May 21, 1990.

³ Assembly floor amendments adopted June 7, 1990.

1 authorized pursuant to paragraph (2) of subsection b. of section 9
2 of P.L.1976, c.141 (C.58:10-23.11h),² for program costs incurred
3 in implementing the provisions of this act. ²[Pending the
4 availability of fee revenues, monies in the New Jersey Spill
5 Compensation Fund may be used by the department for
6 implementing the provisions of this act, which monies shall,
7 however, be paid back to that fund within two years of
8 commencement of collection of fees established pursuant to the
9 aforsaid section 15.¹]²

10 2. This act shall take effect immediately.

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12

13

ENVIRONMENT

14

15 Requires illumination of certain nighttime, hazardous substance
16 transfer operations.

ASSEMBLY, No. 3268

STATE OF NEW JERSEY

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1 AN ACT concerning pipeline transfers, and supplementing
2 P.L.1976, c.141 (C.58:10-23.11 et seq.).

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

6 1. The provisions of any other law, or rule or regulation
7 adopted pursuant thereto to the contrary notwithstanding, no
8 owner or operator of a major facility may transfer petroleum
9 through pipelines that traverse the waters of the State from dusk
10 to dawn.

11 2. This act shall take effect immediately.

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STATEMENT

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16 This bill would prohibit the transfer of oil and other petroleum
17 products through underwater pipelines during periods of
18 darkness. Since these products cannot be seen on the surface of
19 the water at night, spills may remain undetected. This measure
20 is designed to avoid any repetition of the recent Exxon oil
21 pipeline incident in which a discharge of 567,000 gallons of fuel
22 oil that occurred at night was not confirmed until the following
23 morning. Prohibiting these transfers will eliminate the potential
24 for serious environmental damage.

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ENVIRONMENT

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29 Prohibits nighttime transfers of oil through pipelines.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3268

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 16, 1990

Assembly Bill No. 3268, with committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

This bill, as amended, requires an owner or operator of a refinery, storage, transfer terminal, or pipeline facility, or a vessel that transports a hazardous substance to illuminate, during non-daylight hours, any transfer of the hazardous substance between a facility to such vessel, or among two or more vessels. Illumination is required to be provided at each transfer connection point in use, and for adjacent facility or vessel areas, and surrounding waters. The Department of Environmental Protection (DEP) may also require lighting of areas where underwater pipelines enter the lands of the State. DEP shall adopt appropriate illumination guidelines as to intensity of lighting and areas of illumination, which guidelines shall be, to the maximum extent practicable, consistent with United States Coast Guard requirements.

The committee amendments delete the prohibition on nighttime transfers; expand the bill to cover all hazardous substances, in addition to petroleum products; establish illumination requirements for on- and off-loading of hazardous substances; require DEP to adopt guidelines for illumination; delay implementation of the bill in order to allow the department time to adopt the guidelines; and authorize the use of discharge and response plan fee monies for carrying out the provisions of the bill; and allow use of New Jersey Spill Fund monies pending collection of fees.

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