

[First Reprint]

**SENATE, No. 2199**

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

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INTRODUCED SEPTEMBER 25, 2006

**Sponsored by:**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**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,  
Scalera, Epps and Gordon**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment Committee on January 29, 2007, with amendments.

**(Sponsorship Updated As Of: 1/8/2008)**

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 <sup>1</sup>[certified]<sup>1</sup> 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 <sup>1</sup>[certified]<sup>1</sup> 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.