

ASSEMBLY, No. 3116

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Amends definition of “existing major hazardous waste facility” in “Major Hazardous Waste Facilities Siting Act.”

CURRENT VERSION OF TEXT

As introduced.



A3116 BURZICHELLI

2

1 AN ACT concerning major hazardous waste facilities, and amending
2 P.L.1981, c.279.

3

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

6

7 1. Section 3 of P.L.1981, c.279 (C.13:1E-51) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Applicant" means the applicant for a registration statement
11 and engineering design for a major hazardous waste facility;

12 b. "Application" means the application for a registration
13 statement and engineering design for a major hazardous waste
14 facility;

15 c. "Commission" means the Hazardous Waste Facilities Siting
16 Commission established by section 4 of this act;

17 d. "Commissioner" means the Commissioner of Environmental
18 Protection;

19 e. (Deleted by amendment, P.L.2007, c.39);

20 f. "Criteria" means the criteria for the siting of new major
21 hazardous waste facilities adopted by the department pursuant to
22 section 9 of this act;

23 g. "Department" means the Department of Environmental
24 Protection;

25 h. (Deleted by amendment, P.L.1983, c. 392);

26 i. "Engineering design" means the specifications and
27 parameters approved by the department for the construction and
28 operation of a major hazardous waste facility;

29 j. "Environmental and health impact statement" means a
30 statement of likely environmental and public health impacts
31 resulting from the construction and operation of a major hazardous
32 waste facility, and includes an inventory of existing environmental
33 conditions at the site, a project description, an assessment of the
34 impact of the project on the environment and on public health, a
35 listing of unavoidable environmental and public health impacts, and
36 steps to be taken to minimize environmental and public health
37 impacts during construction and operation;

38 k. "Hazardous waste" means any waste or combination of
39 wastes which poses a present or potential threat to human health,
40 living organisms or the environment including, but not limited to,
41 waste material that is toxic, carcinogenic, corrosive, irritating,
42 sensitizing, biologically infectious, explosive or flammable, and any
43 waste so designated by the United States Environmental Protection
44 Agency. Hazardous waste does not include radioactive waste;

45 l. "Hazardous waste facility" means any area, plant or other
46 facility for the treatment, storage or disposal of hazardous waste,
47 including loading and transportation facilities or equipment used in

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.

A3116 BURZICHELLI

3

1 connection with the processing of hazardous wastes; "major
2 hazardous waste facility" means any commercial hazardous waste
3 facility which has a total capacity to treat, store or dispose of more
4 than 250,000 gallons of hazardous waste, or the equivalent thereof,
5 as determined by the department, except that any facility which
6 would otherwise be considered a major hazardous waste facility
7 pursuant to this subsection solely as the result of the recycling or
8 rerefining of any hazardous wastes which are or contain gold,
9 silver, osmium, platinum, palladium, iridium, rhodium, ruthenium
10 or copper shall not be considered a major hazardous waste facility
11 for the purposes of this act; "existing major hazardous waste
12 facility" means any major hazardous waste facility which was
13 legally in operation or upon which construction had legally
14 commenced prior to the effective date of **[this act]** P.L.1981, c.279
15 (C.13:1E-49 et seq.), even if, since that date, it stopped accepting
16 hazardous waste for a period no longer than 10 years; "new major
17 hazardous waste facility" means any major hazardous waste facility
18 other than an existing major hazardous waste facility; "commercial
19 hazardous waste facility" means any hazardous waste facility which
20 accepts hazardous waste from more than one generator for storage,
21 treatment or disposal at a site other than the site where the
22 hazardous waste was generated;

23 m. "Hazardous waste industry" means any industry which
24 operates a hazardous waste facility or which proposes to construct
25 or operate a hazardous waste facility;

26 n. "Owner or operator" means and includes, in addition to the
27 usual meanings thereof, every owner of record of any interest in
28 land whereon a major hazardous waste facility is or has been
29 located, and any person or corporation which owns a majority
30 interest in any other corporation which is the owner or operator of
31 any major hazardous waste facility;

32 o. "Plan" means the Major Hazardous Waste Facilities Plan
33 adopted by the commission pursuant to section 10 of this act;

34 p. "Registration statement" or "registration" means the
35 operating license, approved by the department, for a major
36 hazardous waste facility; "registrant" means the person to whom
37 such approval was granted.

38 (cf: P.L.2007, c.39, s.19)

39

40 2. This act shall take effect immediately, and shall be
41 retroactive to September 10, 1981.

42

43

44

STATEMENT

45

46 This bill would amend the definition of "existing major
47 hazardous waste facility" in the "Major Hazardous Waste Facilities
48 Siting Act," P.L.1981, c.279 (C.13:1E-49 et seq.), so that it would

A3116 BURZICHELLI

4

1 include any major hazardous waste facility which was legally in
2 operation or upon which construction had legally commenced prior
3 to that act's effective date (i.e., September 10, 1981) even if, since
4 that date, it stopped accepting hazardous waste for a period no
5 longer than 10 years.