

ASSEMBLY, No. 3918

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED JANUARY 9, 2007

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

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District 29 (Essex and Union)

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District 33 (Hudson)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

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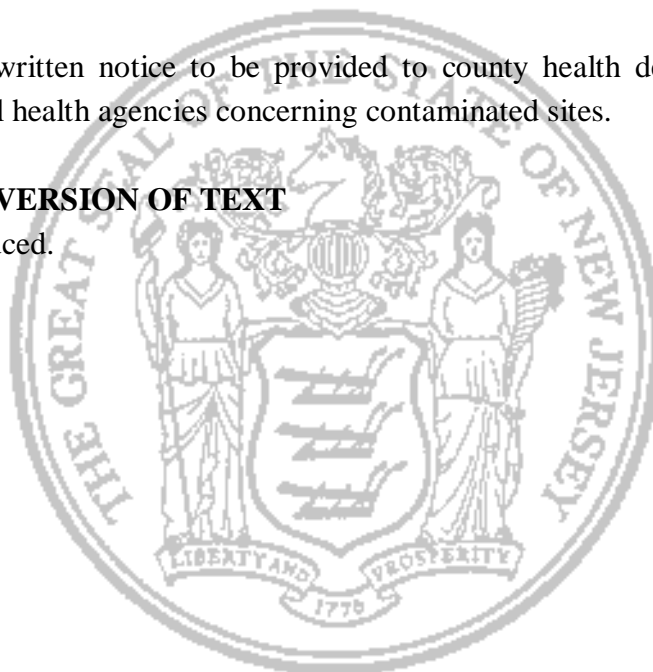
Assemblywoman Lampitt, Assemblymen Barnes, Vas, Egan, Whelan and Scalera

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.

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 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
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.

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STATEMENT

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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.