

# ASSEMBLY, No. 1534

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**  
**Assemblywoman ANNETTE QUIJANO**  
**District 20 (Union)**

**Co-Sponsored by:**

**Assemblyman Caputo**

**SYNOPSIS**

Requires DEP to conduct analysis of "Pollution Prevention Act."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT requiring the Department of Environmental Protection to  
2 conduct an analysis of the "Pollution Prevention Act," and  
3 supplementing P.L.1991, c.235 (C.13:1D-35 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. Within 90 days after the date of enactment of this act, the  
9 Department of Environmental Protection shall conduct an analysis  
10 of the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et  
11 seq.) and report to the Legislature, pursuant to section 2 of  
12 P.L.1991, c.164 (C.52:14-19.1), on the results of the analysis. The  
13 analysis shall evaluate the effectiveness of the "Pollution  
14 Prevention Act" and the impact of the rules and regulations adopted  
15 by the department to implement the law upon the environment,  
16 public and occupational health, and the industrial facilities subject  
17 to the act.

18 b. The department, in its report, shall:

19 (1) summarize the implementation of the "Pollution Prevention  
20 Act" since its enactment in 1991, including information on the  
21 number of industrial facilities subject to the act;

22 (2) provide a comparison of the pollution prevention program  
23 rules, at N.J.A.C.7:1K-1.1 et seq., to other hazardous substances  
24 reporting requirements, including but not limited to the federal  
25 toxics release inventory program or those implemented by the  
26 department pursuant to the "Toxic Catastrophe Prevention Act,"  
27 P.L.1985, c.403 (C.13:1K-19 et seq.), and the "Worker and  
28 Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et  
29 al.). This comparison shall describe any areas where there is  
30 duplication among the various reporting requirements for hazardous  
31 substances and either provide a rationale for the duplication or  
32 explain how the duplication will be resolved; and

33 (3) make recommendations as to whether there should be  
34 statutory changes to the "Pollution Prevention Act" to increase  
35 pollution prevention activities at priority industrial facilities or to  
36 reduce duplication between the act and other hazardous substances  
37 reporting requirements.  
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39 2. This act shall take effect immediately.  
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42 STATEMENT  
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44 This bill requires the Department of Environmental Protection to  
45 conduct an analysis of the "Pollution Prevention Act," P.L.1991,  
46 c.235 (C.13:1D-35 et seq.), and report to the Legislature within 90  
47 days after the date of enactment of this bill into law. For the

1 analysis, the DEP is directed to evaluate the effectiveness of the law  
2 and the impact of the rules and regulations adopted by the  
3 department to implement the law upon the environment, public and  
4 occupational health, and the industrial facilities subject to the act.

5 In the report, the DEP is to: (1) summarize the implementation  
6 of the "Pollution Prevention Act" since its enactment in 1991; (2)  
7 provide a comparison of the pollution prevention program rules to  
8 other hazardous substances reporting requirements, including but  
9 not limited to the federal toxics release inventory program or those  
10 implemented by the Department of Environmental Protection  
11 pursuant to the "Toxic Catastrophe Prevention Act" and the  
12 "Worker and Community Right To Know Act"; and (3) make  
13 recommendations as to whether there should be statutory changes to  
14 the "Pollution Prevention Act" to increase pollution prevention  
15 activities at priority industrial facilities or to reduce duplication  
16 between the act and other hazardous substances reporting  
17 requirements.

18 The "Pollution Prevention Act" was enacted in 1991. On  
19 September 20, 2010, the DEP published in the New Jersey Register  
20 a notice that it was undertaking a stakeholder process to evaluate  
21 the pollution prevention program and to consider whether and how  
22 its implementing rules should be revised. This bill would  
23 complement that effort, by requiring the DEP to evaluate its  
24 implementation of the act and make recommendations for the future  
25 in a report to the Legislature.