

ASSEMBLY, No. 2682

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1997

By Assemblymen AUGUSTINE, BAGGER, Bucco, Wolfe,
Rooney, Blee and Kelly

1 AN ACT concerning the cleanup of residential property and
2 supplementing Title 58 of the Revised Statutes.

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

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7 1. a. For any remediation that is performed on residential property
8 as a result of a discharge of heating oil in which an insurer or other
9 third party is responsible for funding or overseeing the remediation,
10 the insurer or other third party, as the case may be, shall enter into a
11 consent order with the Department of Environmental Protection within
12 seven days of the discharge, or within seven days of discovery of the
13 discharge, whichever is sooner, for the oversight of the remediation.
14 The department shall assure that the remediation is performed in
15 accordance with all applicable laws, rules and regulations.

16 b. The insurer or other third party and the Department of
17 Environmental Protection shall provide the owner of the residential
18 property copies of all submissions and correspondence relating to the
19 remediation.

20 c. As used in this section:

21 "Remediation" means all necessary actions to investigate and clean
22 up any known, suspected, or threatened discharge of contaminants,
23 including, as necessary, the preliminary assessment, site investigation,
24 remedial investigation, and remedial action, as those terms are defined
25 in section 23 of P.L.1993, c.139 (C.58:10B-1).

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27 2. This act shall take effect immediately.

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STATEMENT

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32 This bill would require any insurer or other third party who is
33 responsible for funding or overseeing the remediation of residential
34 property due to a discharge of home heating oil to enter into a consent
35 order within seven days of the discharge or within seven days of
36 discovery of the discharge, whichever is sooner, with the Department

1 of Environmental Protection for the oversight of the remediation. The
2 department shall assure that the remediation is performed in
3 accordance with all applicable laws, rules and regulations. This bill
4 would also require that the insurer or other third party and the
5 Department of Environmental Protection provide the owner of the
6 residential property copies of all submissions and correspondence
7 relating to the remediation.

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12 Requires DEP oversight of certain cleanups of home heating oil.