

ASSEMBLY CONCURRENT RESOLUTION No. 68

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1996

By Assemblyman O'TOOLE

1 A CONCURRENT RESOLUTION concerning legislative review of Department
2 of Environmental Protection regulations pursuant to Article V, Section IV,
3 paragraph 6 of the Constitution of the State of New Jersey.

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5 BE IT RESOLVED by the Assembly of the State of New Jersey (the
6 Senate concurring):

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8 1. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the
9 State of New Jersey, the Legislature may review any rule or regulation of an
10 administrative agency to determine if the rule or regulation is consistent with
11 the intent of the Legislature.

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13 2. The Legislature enacted the "Spill Compensation and Control Act"
14 ("Spill Act"), P.L.1976, c.141 (C.58:10-23.11 et seq.), to establish a system
15 for both the prevention and cleanup of discharges of hazardous substances.
16 To the end of preventing discharges the Spill Act requires owners or operators
17 of major facilities where hazardous substances are stored to prepare and
18 submit to the Department of Environmental Protection discharge prevention,
19 control, and countermeasure (DPCC) plans, one component of which is the
20 preparation of drainage and land use maps and maps identifying
21 environmentally sensitive areas. In regulations adopted in 1991 at
22 N.J.A.C.7:1E-4.10(d) the Department of Environmental Protection required
23 that such maps be submitted in paper form. In amendments to N.J.A.C.7:1E-
24 4.10(d) proposed at 27 N.J.R.2337 the Department of Environmental
25 Protection would require that the maps be resubmitted in both paper and
26 digital form, an additional requirement that is inconsistent with Legislative
27 intent.

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29 3. The Legislature finds that the amendment to N.J.A.C.7:1E-4.10(d)
30 proposed at 27 N.J.R.2337 requiring that DPCC maps be resubmitted in both
31 paper and digital form is not consistent with Legislative intent.

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33 4. The Commissioner of the Department of Environmental Protection shall,
34 pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State
35 of New Jersey, have 30 days following transmittal of this resolution to amend

1 or withdraw the regulation or the Legislature may, by passage of another
2 concurrent resolution, exercise its authority under the Constitution to invalidate
3 the regulation in whole or in part.

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STATEMENT

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8 This concurrent resolution embodies the finding of the Legislature that the
9 amendment to N.J.A.C.7:1E-4.10(d) proposed at 27 N.J.R.2337 by the
10 Department of Environmental Protection requiring that maps submitted as part
11 of a DPCC plan pursuant to the "Spill Compensation and Control Act," ("Spill
12 Act"), P.L.1976, c.141 (C.58: 10-23.11 et seq.), be submitted in both paper
13 and digital form is inconsistent with legislative intent. The Commissioner of the
14 Department of Environmental Protection shall have 30 days following
15 transmittal of this resolution to amend or withdraw the proposed amendment,
16 or the Legislature may, by passage of another concurrent resolution, exercise
17 its authority under the Constitution to invalidate the proposed amendment.

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23 Determines that proposed regulation of the Department of Environmental
24 Protection requiring DPCC maps to be submitted in both digital and paper
form is inconsistent with Legislative intent.