

SENATE, No. 313

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator SCOTT

1 AN ACT concerning the environmental regulation of small businesses  
2 and supplementing Title 13 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. The Legislature finds that there is a pressing need to provide  
8 economic relief to small businesses within the State of New Jersey  
9 from certain overburdensome environmental regulatory requirements;  
10 that regulations imposing burdens on industry such as financial  
11 assurances for remediations or as part of discharge prevention,  
12 countermeasures, and containment plans have questionable utility and  
13 needlessly restricts the use of capital rather than allowing the capital  
14 to be used to create jobs; and that it is appropriate to exempt certain  
15 small business from various overlyburdensome environmental  
16 regulations.

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18 2. As used in this act:

19 "Small business" means any independently owned and operated  
20 private sector business;

21 (1) That has 150 employees or less defined in terms of full time  
22 equivalent workers, that is 2080 hours (52 weeks/years x 40  
23 hours/week) of employment per year. The number of individuals  
24 employed to achieve this level is inconsequential. A business which  
25 provides less than 312,000 hours of employment (150 x 2080 hours)  
26 in a calendar year meets the employment criterion, or

27 (2) A manufacturer whose sales are less than \$100,000,000 per  
28 year including any parent, affiliate and subsidiary corporations.

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30 3. Notwithstanding any other law, regulation, rule, order, or  
31 agreement to the contrary, a small business shall be exempt from the  
32 compliance with the following requirements:

33 a. The preparation of pollution prevention plans, plan summaries  
34 and plan progress reports pursuant to the "Pollution Prevention Act,"  
35 P.L.1991, c.235 (C.13:1D-35 et seq.). The provisions of this

1 subsection do not apply to the identification of a voluntary goal of use  
2 reductions as appropriate;

3 b. The preparation of mapping of environmentally sensitive areas  
4 subject to the "Spill Compensation and Control Act," P.L.1976, c.141  
5 (C.58:10-23.11 et seq.), or any other law;

6 c. The requirement of obtaining financial assurance whether  
7 through insurance means or through the posting of a financial  
8 obligation under the "Spill Compensation and Control Act," P.L.1976,  
9 c.141 (C.58:10-23.11 et seq.) or the "Environmental Cleanup  
10 Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et seq.). The  
11 provisions of this subsection do not apply to any requirement to obtain  
12 financial assurance that is required by federal law or by any  
13 administrative order issued by any state agency;

14 d. The preparation and submission of any report, filing, or  
15 information, pursuant to any law administered by the Department of  
16 Environmental Protection or regulation adopted by the department,  
17 unless the report, filing, or information is specifically required by  
18 federal law.

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20 4. Notwithstanding any other law, regulation, rule, order, or  
21 agreement to the contrary, a small business shall not be required to pay  
22 any one or more fees to the Department of Environmental Protection,  
23 that individually or cumulatively exceeds \$15,000 in any one calendar  
24 year.

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26 5. Notwithstanding any other law, regulation, rule, order, or  
27 agreement to the contrary, a small business that has been assessed or  
28 ordered to pay an administrative penalty, a civil penalty, an  
29 assessment, fine, or cost by the Department of Environmental  
30 Protection, or by a court for the violation of any law that is  
31 administered by the Department of Environmental Protection, shall  
32 have that portion of the administrative penalty, civil penalty,  
33 assessment, fine, or cost, that is in excess of \$15,000 reduced by 50%  
34 and the entire amount paid by the small business shall be collected by  
35 the State and deposited into the General Fund.

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37 6. This act shall take effect immediately.

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#### STATEMENT

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42 This bill exempts small businesses from certain overburdensome  
43 environmental laws and regulations, including certain plan preparations  
44 required pursuant to the "Pollution Prevention Act," mapping  
45 requirements pursuant to the "Spill Compensation Control Act,"  
46 financial assurance requirements pursuant to the "Spill Compensation

1 Control Act" or the "Environmental Cleanup Responsibility Act," and  
2 from any submission requirements of any State law.

3 As used in the bill, a "small business" means a private sector  
4 business that either has less than 150 employees or that is a  
5 manufacturer and has annual sales of less than \$100 million.

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10 Exempts certain small businesses from certain environmental laws and  
11 regulations.