

[Passed Both Houses]

[Second Reprint]

SENATE, No. 1749

STATE OF NEW JERSEY

INTRODUCED DECEMBER 19, 1996

By Senators BENNETT, McNAMARA, Adler,
Assemblyman Corodemus and Assemblywoman Heck

1 AN ACT concerning the remediation of contaminated sites¹,
2 reappropriating moneys from the "Hazardous Discharge Fund of
3 1986" that were appropriated pursuant to P.L.1993, c.348.¹ and
4 making an appropriation.

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

8
9 1. a. There is appropriated from the special account in the General
10 Fund created pursuant to Article VIII, Section II, paragraph 6 of the
11 New Jersey Constitution, to the Department of Environmental
12 Protection, the sum of ²[\$12,000,000] \$14,800,000². This money
13 shall be used by the department only for paying or financing the costs
14 incurred by the State for the remediation of discharges of hazardous
15 substances, including the cost of performing necessary operation and
16 maintenance activities relating to remedial actions, and the cost of
17 providing alternative sources of public or private water supplies when
18 a water supply has been, or is suspected of being, contaminated by a
19 discharge of a hazardous substance.

20 b. Of the moneys appropriated pursuant to subsection a. of this
21 section, not more than ²[\$2,160,000] \$2,700,000² may be expended
22 by the Department of Environmental Protection for the direct program
23 administrative costs relating to the purposes for which the money may
24 be expended pursuant to subsection a. of this section. No moneys
25 appropriated pursuant to subsection a. of this section may be expended
26 for any indirect administrative costs of the department. The
27 expenditure of moneys appropriated pursuant to this section is limited

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted January 27, 1997.

² Assembly AAP committee amendments adopted June 9, 1997.

1 by the provisions of Article VIII, Section II, paragraph 6 of the New
2 Jersey Constitution.

3 ¹c. At the end of each fiscal year the State Treasurer shall submit
4 a certification to the Legislature stating the revenues collected
5 pursuant to the "Corporation Business Tax Act (1945)," P.L.1945,
6 c.162 (C.54:10A-1 et seq.), for the previous fiscal year and the amount
7 of money that has been credited in the previous fiscal year to the
8 special account as required pursuant to Article VIII, Section II,
9 paragraph 6 of the New Jersey Constitution. The State Treasurer shall
10 also certify the current balance of that special account.¹

11

12 2. a. The Department of Environmental Protection shall for each
13 fiscal year develop a ¹[project priority list for publicly funded site
14 remediation projects and a]¹ financial plan for the department's
15 ¹[responsible party site remediation program and the publicly funded]¹
16 site remediation program. The ¹[project priority list and]¹ financial
17 plan shall be submitted to the Legislature on or before January 15 of
18 1998 and each year thereafter on a day when both Houses are meeting.
19 The President of the Senate and the Speaker of the General Assembly
20 shall cause the date of submission to be entered upon the Senate
21 Journal and the Minutes of the General Assembly, respectively, and
22 shall cause copies of the ¹[documents to be submitted] financial plan¹
23 to be submitted² to the relevant legislative committees for their
24 consideration and review.

25 b. ¹[The project priority list shall consist of a list of site
26 remediation projects to be funded by the State in the next fiscal year,
27 including sites for which the State will provide the State share for
28 money provided by the federal government. The list shall include a
29 description of each project and its purpose, impact, cost, priority
30 ranking, and construction schedule. For each project to be funded the
31 list shall estimate the capital costs involved, the operational and
32 maintenance costs, the cost of any work that will be performed
33 pursuant to contract, and the State administrative costs associated
34 with the project.] The financial plan shall contain a list of site
35 remediation projects for which public funds are anticipated to be
36 authorized and expended in the next fiscal year, including sites for
37 which the State will provide the State match share for money provided
38 by the federal government. The list shall include a site description of
39 each project and its purpose, a summary of prior remedial activities
40 performed on the site, the active phase of the project for which
41 funding will be authorized, a summary of the funds, by funding source,
42 that have been authorized to date for each project, and a total of
43 funds, by source, for each project.¹

44 c. The financial plan shall ¹also¹ contain ¹[:

45 (1) the anticipated capital, contractual, operational and
46 maintenance, administrative, and other expenses of the department

1 related to both the responsible party and publicly funded site
2 remediation programs within the department and the anticipated
3 number of site remediation projects to be funded by the private sector
4 for which the department will provide oversight;

5 (2) a summary of the various funding sources to be used for each
6 project including any bond funds, general funds, monies dedicated
7 pursuant to Article VIII, Section II, paragraph 6 of the New Jersey
8 Constitution, moneys from the "New Jersey Spill Compensation Fund"
9 established pursuant to the "Spill Compensation and Control Act,"
10 P.L.1976, c.141 (C. 58:10-23.11 et seq.), moneys derived from fees,
11 charges, or from cost recovery actions, federal funds, responsible party
12 financing, or any other source of funding;

13 (3)]¹ a summary of the revenue sources for the site remediation
14 program within the Department of Environmental Protection and the
15 proposed expenditure ¹and allocation¹ of funds from each of the
16 revenue sources, including the amount from each revenue source to be
17 used for the publicly funded program, the responsible party
18 program,¹ direct administrative costs, indirect administrative costs,
19 fringe benefit costs, project expenditures, operation and maintenance,
20 federal matches, and other costs incurred by the site remediation
21 program¹];

22 (4) an explanation of the method used by the department to
23 determine the allocation of expenditures from the various revenue
24 sources; and

25 (5) a list of all job titles in the Department of Environmental
26 Protection and other State departments and agencies funded in whole
27 or in part by the revenue sources of the site remediation program]¹.

28
29 ¹3. a. Of the moneys from the "Hazardous Discharge Fund of
30 1986," created pursuant to the "Hazardous Discharge Bond Act of
31 1986," P.L.1986, c.113, as amended by P.L.1989, c.182, and
32 appropriated to the Department of Environmental Protection pursuant
33 to section 1 of P.L.1993, c.348, the sum of \$20,000,000 is
34 reappropriated to the New Jersey Economic Development Authority
35 for deposit into the Hazardous Discharge Site Remediation Fund,
36 created pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4) for
37 the purposes of that fund.

38 b. The expenditure of the sum reappropriated by this section is
39 subject to the provisions and conditions of P.L.1986, c.113 and
40 P.L.1989, c.182.¹

41
42 ¹4. Notwithstanding any other law to the contrary, as of the
43 effective date of this section, moneys appropriated from the
44 "Hazardous Discharge Bond Act," P.L.1981, c.275, and the
45 "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, that were
46 previously appropriated or that may be reappropriated may not be used

1 to pay the indirect administrative or fringe benefit costs incurred by
2 the State of New Jersey.¹

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4 ¹[3.] 5.¹ This act shall take effect immediately.

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9 Appropriates dedicated funds for publicly funded site remediation
10 program; reappropriates bond fund moneys; requires certain
11 information be submitted by DEP and State Treasurer.