

SENATE, No. 1769

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1997

By Senators MATHEUSSEN and SINAGRA

1 AN ACT concerning plans to prevent and respond to the discharge of
2 certain hazardous substances at certain facilities, and amending
3 P.L.1990, c.78.

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

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8 1. Section 9 of P.L.1990, c.78 (C.58:10-23.11d9) is amended to
9 read as follows:

10 9. a. Except as otherwise provided in subsection b. of this section,
11 the department shall, as soon as practicable, but not later than six
12 months following a filing of a DPCC plan, contingency plan, or a
13 renewal thereof, or, in the case of plan amendments, within 60 days of
14 the filing of the amendments, review the filing to determine compliance
15 with all statutory requirements, including rules and regulations
16 adopted thereunder.

17 b. The department may, at any time during the plan, plan renewal
18 or plan amendment review period approve, conditionally approve, or
19 disapprove a plan, plan renewal, or plan amendments. If a plan, plan
20 renewal or plan amendments are disapproved, the owner or operator
21 of the major facility or transmission pipeline shall have 30 days from
22 receipt of written notice of the disapproval, and the reasons therefor,
23 within which to submit a revised plan or plan amendments. The
24 department may, at any time after an on-site inspection of a facility or
25 pipeline, or a discharge or other emergency at a facility or pipeline,
26 direct the owner or operator of the major facility or transmission
27 pipeline to submit amendments to a DPCC plan or contingency plan on
28 file with the department, or to submit additional documentation or
29 information in conjunction with a filed plan or amendments. If within
30 30 days of receipt of a written request therefor, the owner or operator
31 of the major facility or transmission pipeline fails to file a revised plan,
32 amendments, or requested information satisfactory to the department,
33 or fails to contest the department's request in accordance with the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

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

Matter underlined thus is new matter.

1 seq.), the DPCC plan, contingency plan, renewal plan, or plan
2 amendments shall be deemed to have been disapproved by the
3 department and the owner or operator of the facility or pipeline shall
4 be in violation of section 2 or section 3, as appropriate, of P.L.1990,
5 c.78 (C.58:10-23.11d2 or 58:10-23.11d3). The department may, for
6 good cause, extend by up to an additional 30 days the time period for
7 filing a revised plan or plan amendments, or for responding to a
8 request for information.

9 Upon request, the department shall make available for public
10 inspection, the approved DPCC plan, contingency plan, or renewal
11 plan filed by the owner or operator of each major facility or
12 transmission pipeline. Any person, upon inspecting the information
13 contained in the DPCC plan, contingency plan, or renewal plan, may
14 submit written comments to the department concerning any deficiency
15 in that information. Upon review of the written comments, the
16 department may require the owner or operator of the major facility or
17 transmission pipeline to submit additional information in response to
18 the written comments. Information determined to be confidential
19 pursuant to rules or regulations adopted by the department shall not
20 be available for public inspection.

21 (cf: P.L.1990, c.78, s.9)

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23 2. This act shall take effect immediately.

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26 STATEMENT

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28 This bill would require the Department of Environmental Protection
29 to make available for public inspection any approved discharge
30 prevention, control, and countermeasure (DPCC) plan, discharge
31 response, cleanup, and removal contingency plan, or renewal plan filed
32 by the owner or operator of each major facility or transmission
33 pipeline pursuant to P.L.1990, c.78. Any person, upon inspecting the
34 information contained in the DPCC plan, contingency plan, or renewal
35 plan, may submit written comments to the department concerning any
36 deficiency in the information. Upon review of the written comments,
37 the department may require the owner or operator of the major facility
38 or transmission pipeline to submit additional information in response
39 to the written comments. Information determined to be confidential
40 by the department shall not be available for public inspection.

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45 Provides for public inspection of plans to prevent and respond to
46 discharges of certain hazardous substances at certain facilities.