

SENATE, No. 1944

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Senators LESNIAK, MCGREEVEY, Girgenti and Baer

1 AN ACT concerning hazardous waste disposal capacity, and
2 supplementing P.L.1981, c.279 (C.13:1E-49 et seq.).

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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. Within 18 months of the effective date of this act the
8 Department of Environmental Protection shall submit to the Governor
9 and the Legislature a report setting forth an analysis of the State's
10 existing hazardous waste generation and disposal capacity, and a
11 calculated projection of the estimated need during the next ten years
12 for additional hazardous waste disposal capacity, which projection
13 shall reflect an estimate of any reductions in the generation of
14 hazardous waste which may be achieved as a result of the pollution
15 prevention planning required pursuant to P.L.1991, c.235 (C.13:1D-35
16 et seq.).

17 b. As part of the preparation of the report, the department shall
18 conduct at least two public hearings to accept written and oral
19 testimony. One of the public hearings must be held in the municipality
20 in which a major hazardous waste facility is proposed to be sited. The
21 hearings shall be transcribed and the transcription as well as any
22 written testimony shall be attached to the report.

23 c. The provisions of any other law, or rule or regulation adopted
24 pursuant thereto, to the contrary notwithstanding, the State, or any
25 State department, division, agency, commission or authority, or
26 county, municipality or agency thereof shall not issue any permit or
27 other approval that would allow for the construction or operation of
28 a major hazardous waste facility until the submission to the Governor
29 and the Legislature of the report required pursuant to subsection a. of
30 this section. If the report shows that the existing hazardous waste
31 disposal capacity is sufficient to meet the estimated need for hazardous
32 waste disposal capacity, then no new major hazardous waste facility
33 shall be constructed.

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35 2. This act shall take effect immediately.

STATEMENT

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This bill would require the Department of Environmental Protection to prepare and submit to the Governor and the Legislature a report setting forth an analysis of the State's existing hazardous waste generation and disposal capacity, and a projection of the estimated need during the next ten years for additional hazardous waste disposal capacity. This calculation shall include an estimate of any reductions in the generation of hazardous waste which may be achieved as a result of the pollution prevention planning required pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.). The department would be required to complete this report within 18 months of the enactment of this bill into law.

The bill would also require the department as part of the preparation of the report to conduct two public hearings prior to its submission to the Governor and the Legislature. One of the hearings would have to be held in the municipality in which a major hazardous waste facility is proposed to be sited.

This bill would prohibit the State, or any State department, division, agency, commission or authority, or county, municipality or agency thereof from issuing any permit that would allow for the construction or operation of any new facility until after the completion of the report. Finally, the bill would provide that if the projection of the estimated need for hazardous waste disposal capacity shows that existing disposal capacity is sufficient, then no new major hazardous waste facility shall be constructed.

Requires analysis of State's existing hazardous waste generation and disposal capacity by DEP; prohibits new construction if existing capacity is sufficient.