

New Jersey Permanent Statutes
TITLE 26 HEALTH AND VITAL STATISTICS

26:2C-3.2. Clean Air Council

(a) There is hereby created in the State Department of Health a Clean Air Council, which shall consist of 17 members, 3 of whom shall be the Commissioner of Commerce and Economic Development or a member of the Department Of Commerce and Economic Development designated by him, the Commissioner of Community Affairs or a member of the Department of Community Affairs designated by him, and the Secretary of Agriculture or a member of the Department of Agriculture designated by him, who shall serve ex officio; six citizens of the State, representing the general public at least one of whom shall be a medical doctor licensed to practice in this State; and eight members to be appointed from persons to be nominated by the organizations hereinafter enumerated, by the Governor.

(b) Within 30 days following the effective date hereof and thereafter as required, at least one month prior to the expiration of the term of the member chosen from nominees of each organization hereinafter enumerated, each such organization shall submit to the Governor a list of three recommended nominees for membership on the council, from which list the Governor shall appoint one:

If any organization does not submit a list of recommended nominees at any time required by this act, the Governor may appoint a member of his choice.

The organizations which shall be entitled to submit recommended nominees are: New Jersey Health Officers Association, New Jersey State Chamber of Commerce, New Jersey Society of Professional Engineers, Inc., New Jersey Manufacturers Association, New Jersey Section of the American Industrial Hygiene Association, New Jersey State League of Municipalities, the New Jersey Freeholders' Association and the New Jersey State AFL-CIO.

(c) Of the 14 members first to be appointed, four shall be appointed for terms of one year, four for terms of two years, three for terms of three years and three for terms of four years. Thereafter, all appointments shall be made for terms of four years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council, by expiration of term or otherwise, shall be filled in the same manner as the original appointment, for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid. The Governor may remove any appointed member of the council for cause after a public hearing.

(d) Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in the performance of their duties as members thereof.

(e) The council shall elect annually a chairman and vice-chairman from its own membership.

L.1967, c. 106, s. 3, eff. June 15, 1967. Amended by L 1967, c. 286, s. 5, eff. Jan. 23, 1967; L. 1985, c. 430, s. 2, eff. Jan. 13, 1986.

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13:10-

.1 Department of health, transfer of certain functions; clean air council; clean water council; commission on radiation protection

In addition to the membership of the Clean Air Council prescribed by P.L. 1967, c. 106, s. 3. (C. 26:2C-3.2), the State Commissioner of Health or a member of his staff designated by him shall be a member of the council.

L.1973, c. 102, s. 1, eff. May 2, 1973.

26:2C-3.3. Powers and duties of council

The Clean Air Council shall:

- (a) Request from the commissioner information concerning the Air Pollution Control Program;
- (b) Consider any matter relating to the preservation and improvement of the Air Pollution Control Program and advise the commissioner thereof.
- (c) From time to time submit to the commissioner any recommendations which it deems necessary for the proper conduct and improvement of the Air Pollution Control Program;
- (d) Study the Air Pollution Control Program and make its recommendations thereon to the commissioner;
- (e) Study the codes, rules and regulations promulgated by the department in regard to air pollution control and make its recommendations for their improvement to the commissioner;
- (f) Study and investigate the state of the art and the technical capabilities and limitations of air pollution control and report their findings and recommendations thereon to the commissioner;
- (g) Study and investigate the need for programs for the long-range technical support of the Air Pollution Control Program and report their findings and recommendations thereon to the commissioner; and
- (h) Hold public hearings at least once a year in regard to existing air pollution control, statutes, codes, rules and regulations and upon the state of the art and technical capabilities and limitations in air pollution control and report its recommendations thereon to the commissioner.

L.1967. c. 106, s. 4, eff. June 15. 1967.

13:1D-7. Department of health, transfer of certain functions; clean air council; clean water **council**; commission on radiation protection.

a. All the functions, powers and duties heretofore exercised by the Department of Health, the commissioner thereof, and of the Public Health Council relating to air pollution, water pollution, radiation protection, waters of this State, sewage, sewerage facilities, refuse disposal, and potable water supplies, including the licensing of water and sewerage treatment plant operators, are hereby transferred to, and vested in The Division of Environmental Quality and the Commissioner of the Department of Environmental Protection, and including without limitation, those functions, powers and duties derived from the "Air Pollution Control Act (1954)," P.L. 1954, chapter 212, P.L. 1967, chapter 106, P.L. 1966, chapter 16, P.L. 1962, chapter 215 (C. 26:2C-1 to 26:2C-25), the "Air Pollution Emergency Control Act (1967)," P.L. 1967, chapter 108 (C. 26:2C-26 to 26:2C-36), the "Radiation Protection Act," P.L. 1958, chapter 116, P.L. 1961, chapter 124 (C. 26:2D-1 et seq.), the "State Public Sanitary Sewerage Facilities Act (1965)," P.L. 1965, chapter 121 and P.L. 1967, chapter 109 (C. 26:2E-1 et seq.), P.L. 1942, chapter 308 (C. 58:11-9.1 to 58:11-9.11), P.L. 1938, chapter 206 (C. 58:11-18.1 to 58:11-18.5), P.L. 1941, chapter 234 (C. 58:11-18.7 to 58:11-18.9), P.L. 1946, chapter 295 (C. 58:11-18.10 to 58:11-18.22), the "Realty Improvement Sewerage Facilities Act (1954)," P.L. 1954, chapter 199 (C. 58:11-23 to 58:11-42), chapter 14 of Title 24 of the Revised Statutes (Oysters, Clams and other Shellfish), chapter 10 of Title 58 of the Revised Statutes (Pollution of Waters), chapter 11 of Title 58 of the Revised Statutes (Water and Sewerage Plants and Systems in General), chapter 12 of Title 58 of the Revised Statutes (Sewerage Districts and Sewerage District Boards), the "Water Conservation Bond Act," P.L. 1969, chapter 127, P.L. 1966, chapter 15 (C. 39:3-70.1, 39:3-70.2), P.L. 1966, chapter 127, and P.L. 1967, chapter 104 (C. 54:4-3.56 to 54:4-3.58), and all amendments and supplements to said acts and statutes.

b. The Clean Air Council, together with all of its functions, powers and duties, is continued, transferred and constituted the Clean Air Council in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

c. The Clean Water Council, together with all of its functions, powers and duties, is continued, transferred and constituted the Clean Water Council in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the council. The members of the council shall continue to be appointed as provided by existing law.

d. The Commission on Radiation Protection, together with all of its functions, powers and duties, is continued, transferred and constituted the Commission on Radiation Protection in the Department of Environmental Protection. This act shall not affect the terms of office of the present members of the commission. The members of the commission shall continue to be appointed as provided by existing law.

L.1970, c. 33, s. 10, eff. April 22, 1970.

13:1D-8. Department of agriculture; transfer of certain functions

CLEAN AIR COUNCIL

NEW JERSEY STATE DEPARTMENT OF HEALTH.

RULES GOVERNING MEETINGS AND TRANSACTION OF BUSINESS

1. The Council shall organize its annual meeting in the month of September and elect a Chairman and a Vice-Chairman,; each of whom shall hold office for one year, and until his successor shall be elected. .

Duties of Chairman

2. It shall be the duty of the Chairman to prepare an agenda and to preside at all meetings and public hearings of the Council except *that* the Chairman may designate another Council member to preside at any public hearing.
 - 2a. It shall be the duty of the Chairman to appoint all committees. The Chairman shall be a member ex officio of all such committees.
 - 2b. The minutes of the Council and other official documents as approved by that body shall he attested by the signature of the Chairman.

Duties of Vice-Chairman

3. It shall he the duty of the Vice-Chairman to preside in the absence of the Chairman, at all meetings of the Council and attests to the accuracy of approved minutes of meetings he conducts by appending his signature thereto.

During the disability of the chairman,
Chairman, the Vice-Chairman shall perform all other specified duties of the Chairman.

- 3b. The Vice-Chairman shall be a member ex officio of all Committees appointed by the Chairman.

The Clean Air Council

4. The Council shall perform the following duties:
 - 4a. Request from the commissioner information concerning the Air Pollution Control Program *
 - 4b. Consider any matter relating to the preservation and improvement of the Air Pollution Control Program and advise the commissioner thereof;
 - 4c. From time to time submit to the commissioner any reccommendations which and improvement of the Air Pollution Control Program,
 - 4d. Study the Air Pollution Control Program and make its recommendations thereon to the commissioner.

- 4e. Study the codes, rules and regulations promulgated by the department in regard to air pollution control and make it recommendations for their improvement to the commissioner
- 4f. Study and investigate the state of the art and the technical capabilities and limitations of air pollution control and report their findings and recommendations thereon to the commissioner.
- 4g. Study and investigate the need for programs for the long-range technical support of the Air Pollution Control Program and report their findings and recommendations therein to the Commissioner; and
- 4h. Hold public hearings at least once a year in regard to existing air pollution control, statutes, codes, rules an regulations and upon the state of the art and technical capabilities and limitations in air pollution control and report its recommendations thereon to the commissioner.

(PIL. 1954, c.212 (Title 26:2C-1 to 2C-23), amended by P.L. 1962, c.215; P.L. 1967, c.105; and PL 1967, c. 106)

Meetings

- 5. The annual meeting of the Council shall be the regular meeting in September of each year.
- 5a. The Council shall meet in the offices of the Department except *as* otherwise provided. It shall keep permanent records of its meetings and shall record its hearings. All minutes of its meetings shall be retained in a permanent record at the Department offices and shall be available for public inspection, at all times during the office hours of the Department.
- 5b. The Order of Business at annual meetings of the Council shall be as follows
 - 1. Call to Order.
 - 2. Roll Call. •
 - 3. Election of Officers
 - 4. Adoption of Rules of Procedure or Amendments Thereto
 - 5. Minutes . . .
 - 6. Communications of the Council.
 - 7. Report of the Chairman
 - 8. Reports of Council Members
 - 9. Committee Reports
 - 10. Administrative Reports
 - 11. Unfinished Business
 - 12. New Business
 - 13. Adjournment
- 5c. The foregoing Order of Business may be suspended. by a majority vote of the members of the Council present.
- 6. Regular meetings shall be held on the second Monday of each month at 10:0.0 a.m., except that a substitute date or place may be selected by a majority vote of those members present at a preceding Council meeting.
- 6a. The Order of Business at the regular monthly meetings shall be as-follows:

1. Call to Order.
2. Roll Call
3. Minutes.
4. Communications of the Council
- 5e Report of the Chairman
6. Reports of Council Members
7. Committee Reports
8. Administrative Reports
9. Unfinished Business
10. New Business...
11. Adjournment

6b. The foregoing Order of Business may be suspended by a majority vote of the members of the Council present.

7. Robert's Rules of Order shall be recognized in all questions of parliamentary procedure.

8. The meetings of the Council shall be open to the public.

9. Special meetings of the Council may be called upon the request of any five members of the Council or the Chairman thereof Five days notice in writing of each such meeting shall be given unless waived in writing by any thirteen members. . Special meetings of any committee may be called at the request of any two members of that committee, by the Chairman of the Committee or by the Chairman of the Council.

10. Seven members of the Council, three of whom shall be public members, shall constitute a quorum to transact its business, and any action of the Council shall be by a vote of a majority of those present.

PUBLIC HEARINGS

11. A public hearing shall be held at least once each year 13accordance with NSJSS.A. 26:2C-3.3 (h). Additional public hearings shall be held. and their scope defined upon approval by a majority vote of the Council.

CLEAN AIR COUNCIL, REPORTS AND RECOMMENDATIONS

12. Any recommendation to be made. in accordance with statutory requirements shall be presented in writing .to each member of the Council at least two weeks prior to the meetingat which final adoption is to be voted. -

Amendments

13. Amendments to these rules shall be presented at one regular
meeting and may be adopted at the next.

13a. Any of these rules not required by law, other than Order of Business, may be suspended by unanimous vote of those present.

Adopted: October 17, 1968

10. Amended September 1971