

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 3075**

STATE OF NEW JERSEY

DATED: JANUARY 6, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3075 (SCS).

This bill would allow an extension of time for the completion of a remedial investigation to a person responsible for conducting a remediation of a contaminated site under certain circumstances. Current law requires the Department of Environmental Protection to assume direct oversight of a cleanup if the person responsible for conducting a remediation has, prior to the date of enactment of P.L.2009, c.60 (C.58:10C-1 et seq.) (i.e., May 7, 2009), failed to complete the remedial investigation of the site within 10 years after the date of discovery of a discharge at the site and has failed to complete the remedial investigation of the site within five years after May 7, 2009. This bill would authorize additional time for the completion of the remedial investigation of a site prior to the department undertaking oversight of the remediation under certain circumstances.

First, an additional two years for the completion of the remedial investigation of a site prior to the department undertaking oversight of the remediation, until May 7, 2016, would be authorized if the person responsible for conducting the remediation certifies, in a document submitted electronically by the licensed site remediation professional retained by the applicant, that certain conditions have been met regarding the remediation. The applicant must certify that: (1) a licensed site remediation professional has been retained to conduct a remediation of the site; (2) any remediation requirements included in mandatory remediation timeframes adopted pursuant to section 28 of P.L.2009, c.60 (C.58:10C-28), for the site have been met at the time of the certification; (3) technically complete submissions have been made in compliance with all rules and regulations for site remediation, as applicable, for the initial receptor evaluation, immediate environmental concern source control report, light non-aqueous phase liquid interim remedial measure report, preliminary assessment report, and site investigation report; (4) a remediation funding source has been established, if required of the applicant by section 25 of P.L.1993, c.139 (C.58:10B-3); (5) if a remediation funding source is

not required to be established by the applicant pursuant to law, then a remediation trust fund for the estimated cost of the remedial investigation has been established pursuant to the standards established in section 25 of P.L.1993, c.139 (C.58:10B-3); (6) any oversight costs imposed by the department, known at the time of the application, and not in dispute on the date of enactment of the bill into law, have been paid to the department; and (7) the annual fees imposed by the department for the remediation and remediation funding source surcharges imposed pursuant to section 33 of P.L.1993, c.39 (C.58:10B-11) have been paid to the department, as applicable.

The substitute also allows additional time for the completion of the remedial investigation of a site prior to the department undertaking oversight of the remediation, due to a delay in the provision of State financial assistance for the remediation from the Hazardous Discharge Site Remediation Fund. The substitute requires the person responsible for conducting the remediation to submit a certification that a technically and administratively complete application for funding has been filed prior to March 7, 2014, or 30 days after the date of enactment of the bill into law, the applicant qualifies for funding, and the applicant remains eligible for funding. The substitute would allow an extension of two years after receipt of funding, or no more than two years after the applicant is no longer eligible for funding.

The substitute requires an application for an extension to be submitted to the department by March 7, 2014 or 30 days after the date of enactment of the bill into law, whichever is later. Under the substitute, an extension of time is deemed approved upon receipt of the application by the department.

The substitute would provide that, at any time during the extension, the department may undertake direct oversight of a remediation if the conditions imposed under the bill are no longer met, or the person responsible for conducting the remediation fails to meet a mandatory remediation timeframe. The department must notify the person responsible for conducting the remediation, in writing, that the extension of time for conducting the remediation is revoked because the applicant failed to comply with the required conditions, the applicant failed to submit one or more of the certifications required, or the information included in a certification is incomplete, incorrect, false, or otherwise deficient.

The substitute would also require the department to provide notice on its website of any extension, and include the name and location of the site for which the extension is granted, and the length of the extension of time.

FISCAL IMPACT:

The substitute bill is not certified as requiring a fiscal note.