

SENATE BILL NO. 879

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 879 with my recommendations for reconsideration.

This bill appropriately addresses an important environmental issue by amending the definition of "existing major hazardous waste facility" in the "Major Hazardous Waste Facilities Siting Act" to include facilities that have stopped accepting hazardous waste for a period of no longer than ten years.

While I certainly support the intent of the bill's sponsors to simplify the process of siting facilities that until recently were authorized to operate as commercial facilities and conduct commercial hazardous waste operations, I am concerned that the bill does not contain specific safeguards to protect the health of our environment and the safety of our residents. I am particularly concerned that the permissive language of the bill could be misinterpreted to permit a qualifying facility to immediately resume commercial waste processing operations.

Accordingly, I am recommending amendments to clarify that qualifying facilities obtain all necessary operating permits prior to resuming commercial operations. My recommended changes also provide that all future commercial hazardous waste processing activities must fully comply with applicable environmental laws and regulations, including terms and conditions deemed necessary to protect human health and the environment.

Therefore, I herewith return Senate Bill No. 879 and recommend that it be amended as follows:

Page 3, Section 1, Line 19:

After "hazardous waste" insert "generated off-site, on a one-time basis,"

Page 3, Line 42:

Insert new section:

"2. Section 39 of P.L.1981, c.279 (C.13:1E-87) is amended to read as follows:

13:1E-87. First date of approval of new facility; increase in capacity; resumption of commercial hazardous waste operations; approval

a. Prior to the adoption, pursuant to section 9 of [this act] PL. 1981, c.279 (C.13:1E-57), of the criteria for the siting of new major hazardous waste facilities, no registration statement or engineering design for any new major hazardous waste facility shall be approved by the department. Amendments to registration statements or engineering designs filed under section 5 of P.L.1970, c. 39 (C. 13:1E-5) for the expansion of existing major hazardous waste facilities may be granted by the department prior to such adoption, provided that, if the expansion would result in an increase of more than 50% of the capacity of the facility as of the effective date of this act, the review and approval of the application for such amendments shall be conducted in the manner provided in section 12 of [this act] P.L.1981, c.279 (C.13:1E-60).

b. Subsequent to the adoption, pursuant to section 9 of [this act] P.L.1981, c.279 (C.13:1E-57), of the criteria for the siting of new major hazardous waste facilities, the review and approval by the department of all amendments to registration statements or engineering designs which would result in an increase of more than 50% of the capacity of any major hazardous waste facility shall be conducted in the manner provided in section 12 of [this act] P.L.1981, c. 279 (C.13:1E-60).

c. An existing major hazardous waste facility that, since the effective date of P.L.1981, c.279 (C.13:1E-49 et seq.), had stopped accepting hazardous waste generated off-site, on a one-time basis, for a period no longer than 10

years may resume commercial hazardous waste operations at the capacity which existed at the time the facility had stopped accepting hazardous waste generated off-site, but the baseline capacity established pursuant to P.L.1981, c.279 (C.13:1E-49, et seq.) shall remain unchanged, provided that, prior to commencing such operations, it applies for and obtains necessary modifications to its existing operating permit or permits or a new operating permit or permits, as may be applicable, which shall require compliance with current regulatory standards issued or adopted by the department.

d. Nothing in P.L. , c. (pending before the Legislature as this bill) shall be construed to prohibit the applicability of any other laws or regulations authorizing the establishment of terms and conditions determined to be necessary to protect human health and the environment, nor shall anything in P.L. , c. (pending before the Legislature as this bill) be construed to preclude requiring an existing hazardous waste facility to comply with such terms and conditions prior to resuming commercial hazardous waste operations pursuant to subsection c. of this section."

Page 3, Section 2, Line 43:

Delete "2." and insert "3."

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor