

## CHAPTER 358

**AN ACT** allocating certain previously appropriated funds for the support of the diesel air pollution control program and for administrative costs of the underground storage tank program, amending the annual appropriations act for fiscal year 2006, P.L.2005, c.132, and repealing section 1 of P.L.2004, c.6.

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

1. The following language provisions are added to section 1 of P.L.2005, c.132, the fiscal year 2006 annual appropriation act:

**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**40 Community Development and Environmental Management**  
**44 Site Remediation and Waste Management**  
**CAPITAL CONSTRUCTION**  
**4815 Environmental Remediation and Monitoring**

Of the unexpended balance in the Private Underground Tank Remediation-Constitutional Dedication account, an amount not to exceed \$10,000,000, as shall be determined by the Director of the Division of Budget and Accounting, shall be allocated to the Diesel Risk Mitigation Fund, established pursuant to section 28 of P.L.2005, c.219 (C.26:2C-8.53), to be used for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for funding for other measures to reduce human exposure to those emissions, pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for the Private Underground Tank Remediation-Constitutional Dedication account, an amount not to exceed \$500,000, as shall be determined by the Director of the Division of Budget and Accounting, previously deposited into the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund and allocated to the New Jersey Economic Development Authority, shall be transferred to the State Treasury to be appropriated to the Department of Environmental Protection to be used to administer the department's program to provide loans and grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation-Constitutional Dedication account, \$6,309,000 shall be allocated to the Diesel Risk Mitigation Fund, established pursuant to section 28 of P.L.2005, c.219 (C.26:2C-8.53), to be used for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for funding for other measures to reduce human exposure to those emissions, pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution, provided however, that of that amount, \$575,000 may be used for program administrative costs for implementing the diesel program to regulate particulate matter emissions from diesel-powered engines.

Repealer.

2. Section 1 of P.L.2004, c.6 (C.58:10B-4.1) is repealed.

3. This act shall take effect on January 1, 2006, or upon enactment, whichever is later.

Approved January 12, 2006.