

CHAPTER 61

AN ACT concerning major hazardous waste facilities, and amending P.L.1981, c.279.

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

1. Section 3 of P.L.1981, c.279 (C.13:1E-51) is amended to read as follows:

C.13:1E-51 Definitions.

3. As used in this act:
 - a. "Applicant" means the applicant for a registration statement and engineering design for a major hazardous waste facility;
 - b. "Application" means the application for a registration statement and engineering design for a major hazardous waste facility;
 - c. "Commission" means the Hazardous Waste Facilities Siting Commission established by section 4 of this act;
 - d. "Commissioner" means the Commissioner of Environmental Protection;
 - e. (Deleted by amendment, P.L.2007, c.39);
 - f. "Criteria" means the criteria for the siting of new major hazardous waste facilities adopted by the department pursuant to section 9 of this act;
 - g. "Department" means the Department of Environmental Protection;
 - h. (Deleted by amendment, P.L.1983, c. 392);
 - i. "Engineering design" means the specifications and parameters approved by the department for the construction and operation of a major hazardous waste facility;
 - j. "Environmental and health impact statement" means a statement of likely environmental and public health impacts resulting from the construction and operation of a major hazardous waste facility, and includes an inventory of existing environmental conditions at the site, a project description, an assessment of the impact of the project on the environment and on public health, a listing of unavoidable environmental and public health impacts, and steps to be taken to minimize environmental and public health impacts during construction and operation;
 - k. "Hazardous waste" means any waste or combination of wastes which poses a present or potential threat to human health, living organisms or the environment including, but not limited to, waste material that is toxic, carcinogenic, corrosive, irritating, sensitizing, biologically infectious, explosive or flammable, and any waste so designated by the United States Environmental Protection Agency. Hazardous waste does not include radioactive waste;
 - l. "Hazardous waste facility" means any area, plant or other facility for the treatment, storage or disposal of hazardous waste, including loading and transportation facilities or equipment used in connection with the processing of hazardous wastes; "major hazardous waste facility" means any commercial hazardous waste facility which has a total capacity to treat, store or dispose of more than 250,000 gallons of hazardous waste, or the equivalent thereof, as determined by the department, except that any facility which would otherwise be considered a major hazardous waste facility pursuant to this subsection solely as the result of the recycling or rerefining of any hazardous wastes which are or contain gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium or copper shall not be considered a major hazardous waste facility for the purposes of this act; "existing major hazardous waste facility" means any major hazardous waste facility which was legally in operation or upon which construction had legally commenced prior to the effective date of P.L.1981, c.279 (C.13:1E-49 et seq.), even if, since that date, it stopped accepting hazardous waste generated off-site, on a one-time basis, for a period no longer than 10 years; "new major hazardous

waste facility" means any major hazardous waste facility other than an existing major hazardous waste facility; "commercial hazardous waste facility" means any hazardous waste facility which accepts hazardous waste from more than one generator for storage, treatment or disposal at a site other than the site where the hazardous waste was generated;

m. "Hazardous waste industry" means any industry which operates a hazardous waste facility or which proposes to construct or operate a hazardous waste facility;

n. "Owner or operator" means and includes, in addition to the usual meanings thereof, every owner of record of any interest in land whereon a major hazardous waste facility is or has been located, and any person or corporation which owns a majority interest in any other corporation which is the owner or operator of any major hazardous waste facility;

o. "Plan" means the Major Hazardous Waste Facilities Plan adopted by the commission pursuant to section 10 of this act;

p. "Registration statement" or "registration" means the operating license, approved by the department, for a major hazardous waste facility; "registrant" means the person to whom such approval was granted.

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

C.13:1E-87 Criteria for siting of new facility; resumption of activity by existing facility.

39. a. Prior to the adoption, pursuant to section 9 of P.L.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 P.L.1981, c.279 (C.13:1E-60).

b. Subsequent to the adoption, pursuant to section 9 of 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 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.2018, c.61 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.2018, c.61 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.

3. This act shall take effect immediately, and shall be retroactive to September 10, 1981.

Approved July 3, 2018.