

SENATE, No. 3110

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 18, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Makes supplemental appropriation of \$50 million from General Fund to DEP and adds language provisions concerning use of certain environmental settlement monies for natural resource restoration projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/27/2018)

1 A SUPPLEMENT to "An Act making appropriations for the support
2 of the State Government and the several public purposes for the
3 fiscal year ending June 30, 2019 and regulating the disbursement
4 thereof," approved July 01, 2018 (P.L.2018, c.53).

5
6 BE IT ENACTED by the Senate and the General Assembly of the
7 State of New Jersey:

8
9 1. In addition to the amounts appropriated under P.L.2018,
10 c.53, there is appropriated out of the General Fund the following
11 sum for the purpose specified:
12

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

44 Site Remediation and Waste Management

CAPITAL CONSTRUCTION

27-4815 Remediation Management.....	\$50,000,000
Total Capital Construction Appropriation,	
Site Remediation and Waste Management.....	\$50,000,000

Capital Projects:

Site Remediation:

27 Hazardous Discharge Site Cleanup Fund – Natural Resource Restoration Projects.....	(\$50,000,000)
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14 The amount hereinabove appropriated for Hazardous Discharge
15 Site Cleanup Fund - Natural Resource Restoration Projects shall be
16 deposited as natural resource damages into the Hazardous
17 Discharge Site Cleanup Fund established pursuant to section 1 of
18 P.L.1985, c.247 (C.58:10-23.34), provided that the appropriation
19 shall not occur until receipt to the General Fund of settlement
20 revenues attributable to receipts in N.J. Dep't of Env. Protection v.
21 Exxon Mobil Corp., 453 N.J. Super. 588 (Law Div. 2015).

22 Notwithstanding the provisions of any law or regulation to the
23 contrary, for the purpose of implementing projects and activities to
24 protect, repair, restore, replace, and acquire natural resources,
25 recoveries of natural resource damages not subject to the provisions
26 of Article VIII, Section II, paragraph 9 of the State Constitution
27 shall be deposited into the Hazardous Discharge Site Cleanup Fund,
28 and such recoveries, and the unexpended balance at the end of the
29 preceding fiscal year of such recoveries, are appropriated to the
30 department for: direct and indirect costs of remediation,
31 restoration, and cleanup; costs for consulting, expert, and legal
32 services incurred in pursuing claims for damages; grants and loans
33 to local governments; and grants to nonprofit organizations.

34 There is appropriated the sum of \$110,412,549 from dedicated
35 natural resource damages revenues pursuant to Article VIII, Section
36 II, paragraph 9 of the State Constitution in the Natural Resources

S3110 B.SMITH, GREENSTEIN

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1 Damages – Constitutional Dedication account, from funds
2 recovered in connection with claims made by the State in the matter
3 of N.J. Dep’t of Env. Protection v. Atlantic Richfield Co., et al., No.
4 08 CIV 00312 (S.D.N.Y.) for projects to repair, restore, or replace
5 damaged or lost natural resources of the State, or permanently
6 protect the natural resources of the State pursuant to the
7 prioritization set forth in Article VIII, Section II, paragraph 9 of the
8 State Constitution, as follows:

9		
10	RESTORATION/ACQUISITION	\$99,371,295
11		
12	Cape May Point Saltwater Intrusion	
13	Mitigation and Habitat Restoration	\$30,000,000
14	Atlantic White Cedar Forest Watershed Restoration	\$19,000,000
15	Hudson-Raritan Estuary Water Quality	
16	Infrastructure/CSO Improvements	\$10,000,000
17	Water Supply and Wastewater	
18	Improvements Statewide	\$20,000,000
19	Habitat Restoration	\$10,000,000
20	Open Space Acquisitions for Groundwater Recharge	\$10,371,295
21		
22	ADMINISTRATION	\$11,041,254
23		

24 The department may reallocate funds among the projects
25 identified hereinabove, subject to the approval of the Director of the
26 Division of Budget and Accounting in the Department of the
27 Treasury. The department shall send written notification of any
28 such reallocation of funds to the President of the Senate, the
29 Speaker of the General Assembly, the Legislative Budget and
30 Finance Officer, the Joint Budget Oversight Committee, or its
31 successor, and the chairs of the Senate Environment and Energy
32 Committee and Assembly Environment and Solid Waste
33 Committee, or their respective successor committees.

34 Monies appropriated hereinabove are appropriated for State
35 costs, including but not limited to grants and loans to local
36 governments, and grants to nonprofit organizations, as determined
37 by the department.

38 No later than March 31, the department shall send written
39 notification of project expenditures to the President of the Senate,
40 the Speaker of the General Assembly, the Legislative Budget and
41 Finance Officer, the Joint Budget Oversight Committee, or its
42 successor, and the chairs of the Senate Environment and Energy
43 Committee and Assembly Environment and Solid Waste
44 Committee, or their respective successor committees.

45 There is appropriated to the Department of Environmental
46 Protection such additional sums as may be, or may become,
47 available on or before December 31, 2018, in the Natural Resources
48 Damages – Constitutional Dedication account, due to additional
49 recoveries received in connection with the matter of N.J. Dep’t of

1 Env. Protection v. Atlantic Richfield Co., et al., No. 08 CIV 00312
2 (S.D.N.Y.) for the purpose of providing additional funding for the
3 projects identified hereinabove. Any such additional funding may
4 include administrative costs in an amount not to exceed 10 percent
5 of the additional recoveries.

6
7 2. This act shall take effect immediately.
8
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10 STATEMENT
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12 The bill supplements the Fiscal Year 2019 annual appropriations
13 act (P.L.2018, c.53) to appropriate \$50 million from the General
14 Fund to the Department of Environmental Protection (DEP) and
15 also adds language provisions to the Fiscal Year 2019 annual
16 appropriations act concerning the use of certain other environmental
17 settlement monies.

18 The bill provides that the \$50 million to be appropriated by the
19 bill to the DEP upon receipt of settlement monies attributable to
20 receipts in N.J. Dep't of Env. Protection v. Exxon Mobil Corp., 453
21 N.J. Super. 588 (Law Div. 2015) would be deposited as natural
22 resource damages into the Hazardous Discharge Site Cleanup Fund.

23 The bill provides that any natural resource damages monies not
24 subject to the provisions of Article VIII, Section II, paragraph 9 of
25 the State Constitution are to be deposited into the Hazardous
26 Discharge Site Cleanup Fund, and appropriated to the DEP for:
27 direct and indirect costs of remediation, restoration, and cleanup;
28 costs for consulting, expert, and legal services incurred in pursuing
29 claims for damages; grants and loans to local governments; and
30 grants to nonprofit organizations.

31 Further, the bill appropriates \$110,412,549 from dedicated
32 natural resource damages revenues pursuant to Article VIII, Section
33 II, paragraph 9 of the State Constitution in the Natural Resources
34 Damages – Constitutional Dedication account, from funds
35 recovered in connection with claims made by the State in the matter
36 of N.J. Dep't of Env. Protection v. Atlantic Richfield Co., et al., No.
37 08 CIV 00312 (S.D.N.Y.) for projects to repair, restore, or replace
38 damaged or lost natural resources of the State, or permanently
39 protect the natural resources of the State pursuant to the
40 prioritization set forth in the State Constitution, for projects
41 identified in the bill.

42 The bill provides that the DEP may reallocate funds among the
43 projects identified in the bill, subject to the approval of the Director
44 of the Division of Budget and Accounting in the Department of the
45 Treasury. The bill requires the DEP, no later than March 31, to
46 send written notification of project expenditures to the President of
47 the Senate, the Speaker of the General Assembly, the Legislative
48 Budget and Finance Officer, the Joint Budget Oversight Committee,

1 or its successor, and the chairs of the Senate Environment and
2 Energy Committee and Assembly Environment and Solid Waste
3 Committee, or their respective successor committees.

4 Lastly, the bill appropriates to the DEP any additional sums as
5 may be, or may become, available on or before December 31, 2018,
6 in the Natural Resources Damages – Constitutional Dedication
7 account, due to additional recoveries received in connection with
8 the matter of N.J. Dep’t of Env. Protection v. Atlantic Richfield
9 Co., et al. for the purpose of providing additional funding for the
10 projects identified in the bill. This additional funding may include
11 administrative costs in an amount not to exceed 10 percent of the
12 additional recoveries.