

[Second Reprint]
SENATE, No. 991

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Requires owner or operator of certain trains to have discharge response, cleanup, and contingency plans to transport certain hazardous materials by rail; requires DEP to request bridge inspection reports from US DOT.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on January 3, 2022, with amendments.



(Sponsorship Updated As Of: 5/6/2021)

1 AN ACT concerning freight rail safety and supplementing Title 58
2 of the Revised Statutes.

3

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

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 "Cleanup and removal costs" means all direct costs associated
10 with a discharge, and those indirect costs that may be imposed by
11 the department pursuant to section 1 of P.L.2002, c.37 (C.58:10b-
12 2.1) associated with a discharge, incurred by the State, or its
13 political subdivisions, or their agents, or any person with written
14 approval from the department in the: (1) removal or attempted
15 removal of hazardous substances, or (2) taking of reasonable
16 measures to prevent or mitigate damage to the public health, safety,
17 or welfare, including, but not limited to, public and private
18 property, shorelines, beaches, surface waters, water columns and
19 bottom sediments, soils, and other affected property, including
20 wildlife and other natural resources, and shall include costs incurred
21 by the State for the indemnification and legal defense of contractors
22 pursuant to sections 1 through 11 of P.L.1991, c.373 (C.58:10-
23 23.11f8 et seq.);

24 "Commissioner" means the Commissioner of Environmental
25 Protection;

26 "Contamination" or "contaminant" means any discharged
27 hazardous substance, hazardous waste as defined pursuant to
28 section 1 of P.L.1976, c.99 (C.13:1E-38), or pollutant as defined
29 pursuant to section 3 of P.L.1977, c.74 (C.58:10A-3);

30 "Department" means the Department of Environmental
31 Protection;

32 "Discharge" means any intentional or unintentional action or
33 omission resulting in the releasing, spilling, leaking, pumping,
34 pouring, emitting, emptying, or dumping of hazardous substances
35 into the waters or onto the lands of the State, or into waters outside
36 the jurisdiction of the State when damage may result to the lands,
37 waters, or natural resources within the jurisdiction of the State;

38 "Emergency response action" means those activities conducted
39 by a local unit to clean up, remove, prevent, contain, or mitigate a
40 discharge that poses an immediate threat to the environment or to
41 the public health, safety, or welfare;

42 "Emergency services personnel" means a person who is
43 employed as a law enforcement officer, emergency medical service
44 technician, firefighter, emergency communications operator,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted November 8, 2021.

²Assembly ATR committee amendments adopted January 3, 2022.

1 hazardous materials responder, or in a related occupation or
2 profession, or who serves as a volunteer member of a fire
3 department, duly incorporated fire or first aid company, or
4 volunteer emergency, ambulance, or rescue squad association,
5 organization, or company which provides emergency services for a
6 local unit;

7 "Emergency services provider" means a law enforcement
8 agency, emergency medical services unit, fire department,
9 emergency communications provider, hazardous material response
10 unit, volunteer fire department, duly incorporated fire or first aid
11 company, or volunteer emergency, ambulance, or rescue squad
12 association, organization, or company which provides emergency
13 services for a local unit;

14 "Hazardous substances" means the "environmental hazardous
15 substances" on the environmental hazardous substance list adopted
16 by the department pursuant to section 4 of P.L.1983,
17 c.315 (C.34:5A-4); elements and compounds, including petroleum
18 products, which are defined by the department, after public hearing,
19 and which shall be consistent to the maximum extent possible with,
20 and which shall include, the list of hazardous substances adopted by
21 the federal Environmental Protection Agency pursuant to section
22 311 of the "Federal Water Pollution Control Act Amendments of
23 1972," Pub.L.92-500, as amended by the "Clean Water Act of
24 1977," Pub.L.95-217 (33 U.S.C. s.1251 et seq.); the list of toxic
25 pollutants designated by the Congress of the United States or the
26 federal Environmental Protection Agency pursuant to section 53 of
27 that act; and the list of hazardous substances adopted by the federal
28 Environmental Protection Agency pursuant to section 101 of the
29 "Comprehensive Environmental Response, Compensation, and
30 Liability Act of 1980," Pub.L.96-510 (42 U.S.C. s.9601 et seq.);
31 provided, however, that sewage and sewage sludge shall not be
32 considered as hazardous substances for the purposes of P.L. ,
33 c. (C.) (pending before the Legislature as this bill);

34 "High hazard train" means any railroad locomotive propelling a
35 railroad tank car or connection of railroad tank cars transporting
36 200,000 gallons or more of petroleum or petroleum products or
37 20,000 gallons or more of hazardous substances other than
38 petroleum or petroleum products;

39 "Local unit" means any county or municipality, or any agency or
40 other instrumentality thereof, or a duly incorporated volunteer fire,
41 ambulance, first aid, emergency, or rescue company or squad;

42 "Major facility" shall have the same meaning as set forth in
43 section 3 of P.L.1976, c.141 (C.58:10-23.11b);

44 "Natural resources" means all land, fish, shellfish, wildlife, biota,
45 air, waters, and other resources owned, managed, held in trust, or
46 otherwise controlled by the State;

47 "Owner" or "operator" means, with respect to any high hazard
48 train, any person owning the high hazard train, or operating it by

1 lease, contract, or other form of agreement; provided, however, that
2 the owner or operator shall not mean a person who operates a high
3 hazard train only for the purposes of positioning or moving railroad
4 tank cars within the confines of a major facility, or a person whose
5 interest in a high hazard train solely involves the ownership or lease
6 of one or more railroad tank cars without operational authority;

7 "Person" means public or private corporations, companies,
8 associations, societies, firms, partnerships, joint stock companies,
9 individuals, the United States, the State of New Jersey, and any of
10 its political subdivisions or agents;

11 "Petroleum" or "petroleum products" shall have the same
12 meaning as set forth in section 3 of P.L.1976, c.141 (C.58:10-
13 23.11b);

14 "Remedial action" means those actions taken at a site or offsite if
15 a contaminant has migrated or is migrating therefrom, as may be
16 required by the department, including the removal, treatment,
17 containment, transportation, securing, or other engineering or
18 treatment measures, whether to an unrestricted use or otherwise,
19 designed to ensure that any discharged contaminant at the site or
20 that has migrated or is migrating from the site, is remediated in
21 compliance with the applicable health risk or environmental
22 standards;

23 "Remediation" or "remediate" means all necessary actions to
24 investigate and clean up or respond to any known, suspected, or
25 threatened discharge, including, as necessary, the preliminary
26 assessment, site investigation, remedial investigation, and remedial
27 action, provided, however, that "remediation" or "remediate" shall
28 not include the payment of compensation for damage to, or loss of,
29 natural resources. For the purpose of this definition, "remedial
30 investigation" means a process to determine the nature and extent of
31 a discharge of a contaminant at a site or a discharge of a
32 contaminant that has migrated or is migrating from the site and the
33 problems presented by a discharge, and may include data collected,
34 site characterization, sampling, monitoring, and the gathering of
35 any other sufficient and relevant information necessary to determine
36 the necessity for remedial action and to support the evaluation of
37 remedial actions if necessary and "site investigation" means the
38 collection and evaluation of data adequate to determine whether or
39 not discharged contaminants exist at a site or have migrated or are
40 migrating from the site at levels in excess of the applicable
41 remediation standards; and

42 "Waters" means the ocean and its estuaries to the seaward limit
43 of the State's jurisdiction, all springs, streams, and bodies of surface
44 or groundwater, whether natural or artificial, within the boundaries
45 of this State.

46
47 2. a. The owner or operator of a high hazard train traveling
48 within this State shall submit a discharge response, cleanup, and

1 contingency plan to the Department of Environmental Protection.
2 The owner or operator of a high hazard train shall submit a
3 discharge response, cleanup, and contingency plan within six
4 months of the effective date of P.L. , c. (C.) (pending before
5 the Legislature as this bill).

6 b. The discharge response, cleanup, and contingency plan shall
7 contain the following information:

8 (1) A summary and detailed description of the emergency
9 response measures to be used by the trained personnel or discharge
10 cleanup contractors employed by the owner or operator of the high
11 hazard train, as applicable, in responding to, and minimizing health
12 and environmental dangers from, fires, explosions, or unauthorized
13 discharges or releases of hazardous substances to the air, soil, or
14 waters of the State, including: the planned deployment of personnel
15 and equipment in the event of a discharge or other emergency, the
16 chain of command for the emergency response measures, and the
17 ability of the emergency response measures to comply with the
18 timetables established pursuant to section ²**[8]** ² of P.L. ,
19 c. (C.) (pending before the Legislature as this bill);

20 (2) An identification of all equipment available for cleanup and
21 emergency response measures, including all equipment located in a
22 location other than the high hazard train, that is either under the
23 direct control of the owner or operator of the high hazard train, or
24 that is available, by contract, to the owner or operator of the high
25 hazard train in the event of a discharge or other emergency;

26 (3) A list of the names, business addresses, home addresses,
27 telephone numbers, electronic mail addresses, and qualifications of
28 all emergency response coordinators employed by the owner or
29 operator of the high hazard train, along with the authority and
30 responsibilities of each emergency response coordinator in the
31 event of a discharge or other emergency, and the names and
32 qualifications of all other trained personnel employed by the owner
33 or operator of the high hazard train, which have been trained to
34 operate containment, cleanup, and removal equipment and are
35 required to respond to a discharge or other emergency;

36 (4) The priorities for the deployment of trained personnel and
37 emergency response, recovery, and containment equipment to
38 protect residential, environmentally sensitive, or other areas against
39 a discharge or other emergency based on use, seasonal sensitivity,
40 or other relevant factors; and

41 (5) Any other information deemed necessary or useful by the
42 department.

43 c. The discharge response, cleanup, and contingency plan shall
44 certify that:

45 (1) trained personnel and emergency response, recovery, and
46 containment equipment as specified in the discharge response,
47 cleanup, and contingency plan are readily available on the high
48 hazard train or can be speedily deployed to the high hazard train;

1 (2) the emergency response, recovery, and containment
2 equipment is in good repair;

3 (3) the discharge response, cleanup, and contingency plan is
4 consistent with applicable local, regional, and State emergency
5 response plans;

6 (4) the discharge response, cleanup, and contingency plan
7 complies with departmental regulations; and

8 (5) the discharge response, cleanup, and contingency plan was
9 reviewed, and approved by a licensed professional engineer ²or
10 certified hazardous materials manager².

11 d. The discharge response, cleanup, and contingency plan shall
12 provide for simulated emergency response drills, to be conducted at
13 least once annually, to determine the adequacy of and personnel
14 familiarity with the discharge response, cleanup, and contingency
15 plan.

16 e. The owner or operator of a high hazard train shall include
17 with the discharge response, cleanup, and contingency plan
18 submitted to the department:

19 (1) An environmentally sensitive areas and habitats protection
20 plan, reviewed and certified by a marine biologist and an
21 ornithologist, that shall:

22 (a) identify all environmentally sensitive areas and wildlife
23 habitats that could be affected by a discharge from the high hazard
24 train that travels in proximity to the environmentally sensitive area;

25 (b) identify the seasonal sensitivity of the areas or habitats;

26 (c) in the event of a discharge, provide for the protection from,
27 and mitigation of, any potentially adverse impact of the discharge
28 on the identified areas or habitats; and

29 (d) provide for an environmental assessment of the impact of any
30 discharge on the identified areas and habitats, including the effects
31 on the habitat's flora, fauna, or organisms.

32 The environmentally sensitive areas and habitats protection plan
33 shall, using criteria established by the department for identifying
34 environmentally sensitive areas or habitats, identify any
35 environmentally sensitive area or habitat that could be adversely
36 affected by a discharge from the high hazard train;

37 (2) A copy of any existing agreement between the owner or
38 operator of the high hazard train and an emergency services
39 provider of a local unit located along the travel route of the high
40 hazard train to coordinate the emergency response actions of the
41 local unit and the owner or operator of the high hazard train; and

42 (3) A copy of all current contracts or agreements between the
43 owner or operator of the high hazard train and a discharge cleanup
44 organization for remedial action, including containment, cleanup,
45 removal, and disposal.

46

47 3. a. The owner or operator of a high hazard train shall submit
48 an application for renewal of the discharge response, cleanup, and

1 contingency plan every five years to the department, unless the
2 department requires a more frequent submission. Applications for
3 discharge response, cleanup, and contingency plan renewals shall be
4 accompanied by a summary of all unauthorized discharges within
5 this State by the owner or operator of the high hazard train and any
6 other information as may be deemed necessary or useful to the
7 department. Discharge response, cleanup, and contingency plan
8 renewals may be limited to certifying that the existing discharge
9 response, cleanup, and contingency plan on file with the department
10 is current. Filing of a revised discharge response, cleanup, and
11 contingency plan may be required by the department at the time of
12 renewal so as to incorporate into the discharge response, cleanup,
13 and contingency plan all amendments to the discharge response,
14 cleanup, and contingency plan adopted since the filing of the
15 original discharge response, cleanup, and contingency plan or its
16 last renewal.

17 b. The owner or operator of a high hazard train shall file an
18 amendment to the discharge response, cleanup, and contingency
19 plan, not later than 30 days after any modification of the high
20 hazard train, rail yards, fueling stations, or the high hazard train's
21 route of travel.
22

23 ²**[4.** The owner or operator of a high hazard train shall make
24 available to the public on its website, to the extent that the release of
25 the information shall not conflict with federal law, the following
26 information:

27 a. ¹**[**The routes and volumes of cargoes updated on a monthly
28 basis;

29 b. ¹**]** An analysis of the consequences of maximum discharges
30 from the high hazard trains owned or operated in the State; ¹and¹

31 ¹**[c.]** b.¹ A copy of the most current discharge response, cleanup,
32 and contingency plan submitted to the department pursuant to sections
33 2 and 3 of P.L. , c. (C.) (pending before the Legislature as this
34 bill) ¹**];** and

35 d. A railroad routing analysis, as required pursuant to section
36 1551 of the "Implementing Recommendations of the 9/11 Commission
37 Act of 2007," Pub.L.110-53 (6 U.S.C. s.1201 et seq.), and any
38 accompanying documentation that impacted the owner or operator's
39 decision in routing the high hazard train through the State¹. ¹**]**²
40

41 ²**[5.]** 4.² A copy of the discharge response, cleanup, and
42 contingency plan, discharge response, cleanup, and contingency
43 plan renewal, and all discharge response, cleanup, and contingency
44 plan amendments shall be filed by the owner or operator of a high
45 hazard train with the New Jersey Office of Emergency
46 Management.

1 ²**[6.]** 5.² The owner or operator of a high hazard train shall, at
2 all times, retain on file with the department evidence of financial
3 responsibility for the cleanup and removal costs of a discharge or
4 release of a hazardous substance, and for the removal of any
5 damaged or disabled high hazard train equipment or parts. The
6 amount, nature, terms, and conditions of the financial responsibility
7 shall be determined by the department. The owner or operator of a
8 high hazard train shall file evidence of financial responsibility with
9 the department within 180 days of the effective date of P.L. ,
10 c. (C.) (pending before the Legislature as this bill).

11
12 ²**[7.]** 6.² The owner or operator of a high hazard train shall
13 offer training to the emergency services personnel of every local
14 unit having jurisdiction along the travel route of a high hazard train.
15 Initial training shall be offered within one year of the effective date
16 of P.L. , c. (C.) (pending before the Legislature as this bill)
17 with renewal training offered to the emergency service personnel of
18 every local unit having jurisdiction along the travel route of a high
19 hazard train at least once every three years thereafter. The training
20 shall address: the general hazards of the petroleum, petroleum
21 products, or hazardous substances being transported by the high
22 hazard train; techniques to assess hazards to the environment in the
23 event of a discharge; techniques to assess the safety of emergency
24 service personnel and the general public in the event of a discharge
25 that poses an imminent threat to public health, safety, or welfare;
26 factors an emergency service provider shall consider in determining
27 whether to attempt to suppress a fire or to evacuate the public and
28 emergency service personnel from an area in the event of a
29 discharge that poses an imminent threat to public health, safety, or
30 welfare; and other suggested protocols or practices for emergency
31 service personnel to consider in the event of a discharge that poses
32 an imminent threat to public health, safety, or welfare.

33
34 ²**[8.]** 7.² Following a discharge that requires emergency
35 response action, the owner or operator of a high hazard train shall:

36 a. Within one hour of a discharge, identify an emergency
37 response coordinator to advise the emergency services provider of
38 the local unit. The emergency response coordinator may be made
39 available by telephone, but is required to have authorization to
40 deploy all necessary emergency response resources of the owner or
41 operator of the high hazard train;

42 b. Within three hours of a discharge, deploy the emergency
43 response coordinator and trained personnel to the discharge site to
44 assess the discharge and to advise the emergency service provider
45 of the local unit;

46 c. Within eight hours of a discharge, deliver and deploy
47 emergency response, recovery, and containment equipment, trained
48 personnel, and all other materials needed to provide on-site

1 containment of the discharged petroleum, petroleum products, and
2 hazardous substances and to protect environmentally sensitive areas
3 and potable water intakes within one mile of the discharge site and
4 within eight hours of calculated water travel time in any river or
5 stream that the discharge site intersects; and

6 d. Within 60 hours of a discharge, deliver and deploy
7 additional emergency response, recovery, and containment
8 equipment, trained personnel, and all other materials needed to
9 provide containment and recovery of the discharged petroleum,
10 petroleum products, and hazardous substances and to protect
11 environmentally sensitive areas and potable water intakes at any
12 location along the travel route of the high hazard train or in any
13 river or stream that the discharge site intersects.

14
15 ²[9.] 8.² The provisions of P.L. , c. (C.) (pending
16 before the Legislature as this bill) shall not apply to the owner or
17 operator of a Class III carrier, as defined by the Surface
18 Transportation Board pursuant to 49 C.F.R. Part 1201 1-1, that
19 operates within a single municipality on not more than 25 total
20 track miles and is engaged in switching or terminal railroad
21 services.

22 Nothing contained herein shall be construed to exempt a major
23 facility from the provisions of the “Spill Compensation and Control
24 Act,” P.L.1976, c.141 (C.58:10-23.11 et seq.).

25
26 ²[10.] 9.² a. Except as otherwise provided in subsection b. of
27 this section, the department shall, as soon as practicable, but not
28 later than six months following a filing of a discharge response,
29 cleanup, and contingency plan or a renewal of a discharge response,
30 cleanup, and contingency plan, or, in the case of amendments,
31 within 60 days of the filing of the amendments, review the filing to
32 determine compliance with all statutory requirements, including
33 rules and regulations adopted pursuant thereto.

34 b. The department may, at any time during the discharge
35 response, cleanup, and contingency plan, discharge response,
36 cleanup, and contingency plan renewal, or discharge response,
37 cleanup, and contingency plan amendment review period approve,
38 conditionally approve, or disapprove a discharge response, cleanup,
39 and contingency plan, discharge response, cleanup, and contingency
40 plan renewal, or discharge response, cleanup, and contingency plan
41 amendments. If a discharge response, cleanup, and contingency
42 plan, discharge response, cleanup, and contingency plan renewal, or
43 discharge response, cleanup, and contingency plan amendments are
44 disapproved, the owner or operator of the high hazard train shall
45 have 30 days from receipt of written notice of the disapproval, and
46 the reasons therefor, with which to submit a revised discharge
47 response, cleanup, and contingency plan, discharge response,
48 cleanup, and contingency plan renewal, or discharge response,

1 cleanup, and contingency plan amendments. If after 30 days of
2 receipt of a written request therefor, the owner or operator of the
3 high hazard train fails to file a revised discharge response, cleanup,
4 and contingency plan, discharge response, cleanup, and contingency
5 plan renewal, or amendments to the department or fails to contest
6 the department's request in accordance with the "Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the discharge
8 response, cleanup, and contingency plan, discharge response,
9 cleanup, and contingency plan renewal, or discharge response,
10 cleanup, and contingency plan amendments shall be deemed to have
11 been disapproved by the department and the owner or operator of
12 the high hazard train shall be in violation of section 2 or section 3
13 of P.L. , c. (C.) (pending before the Legislature as this bill),
14 as applicable. The department may, for good cause, extend by up to
15 an additional 30 days the time period for filing a revised discharge
16 response, cleanup, and contingency plan, discharge response,
17 cleanup, and contingency plan renewal, or discharge response,
18 cleanup, and contingency plan amendments.

19
20 ²**[11.] 10.**² a. Whenever, on the basis of available information,
21 the Commissioner of Environmental Protection finds that the owner
22 or operator of a high hazard train is in violation of the provisions of
23 P.L. , c. (C.) (pending before the Legislature as this bill), or
24 any rule or regulation adopted pursuant thereto, the commissioner
25 may:

26 (1) Levy a civil administrative penalty in accordance with
27 subsection b. of this section; or

28 (2) Bring an action for a civil penalty in accordance with
29 subsection c. of this section.

30 The exercise of any of the remedies provided in this section shall
31 not preclude recourse to any other remedy so provided.

32 b. The commissioner is authorized to assess a civil
33 administrative penalty of not more than \$25,000 for each violation
34 of the provisions of P.L. , c. (C.) (pending before the
35 Legislature as this bill), or any rule or regulation adopted pursuant
36 thereto, and each day during which each violation continues shall
37 constitute an additional, separate, and distinct offense. Any amount
38 assessed under this section shall fall within a range established by
39 regulation by the commissioner for violations of similar type,
40 seriousness, duration, and conduct; provided, however, that prior to
41 the adoption of the rule or regulation, the commissioner may, on a
42 case-by-case basis, assess civil administrative penalties up to a
43 maximum of \$25,000 per day for each violation, utilizing the
44 criteria set forth herein. In addition to any civil administrative
45 penalty assessed under this subsection and notwithstanding the
46 \$25,000 maximum penalty set forth above, the commissioner may
47 assess any economic benefits from the violation gained by the
48 violator. Prior to assessment of a penalty under this subsection, the

1 owner or operator of the high hazard train committing the violation
2 shall be notified by certified mail or personal service that the
3 penalty is being assessed. The notice shall: include a reference to
4 the section of the statute or regulation violated; recite the facts
5 alleged to constitute a violation; state the basis for the amount of
6 the civil penalties to be assessed; and affirm the rights of the
7 alleged violator to a hearing. The ordered party shall have 35
8 calendar days from receipt of the notice within which to deliver to
9 the commissioner a written request for a hearing. After the hearing
10 and upon finding that a violation has occurred, the commissioner
11 may issue a final order after assessing the amount of the fine
12 specified in the notice. If a hearing is not requested, the notice shall
13 become a final order after the expiration of the 35 calendar day
14 period. Payment of the assessment is due when a final order is
15 issued or the notice becomes a final order. The authority to levy an
16 administrative order is in addition to all other enforcement
17 provisions in P.L. , c. (C.) (pending before the Legislature
18 as this bill), or of any rule or regulation adopted pursuant thereto,
19 and the payment of any assessment shall not be deemed to affect the
20 availability of any other enforcement provisions in connection with
21 the violation for which the assessment is levied. The department
22 may compromise any civil administrative penalty assessed under
23 this subsection in an amount and with conditions the department
24 determines appropriate. A civil administrative penalty assessed,
25 including a portion thereof required to be paid pursuant to a
26 payment schedule approved by the department, which is not paid
27 within 90 days of the date that payment of the penalty is due, shall
28 be subject to an interest charge on the amount of the penalty, or
29 portion thereof, which shall accrue as of the date payment is due. If
30 the penalty is contested, an additional interest charge shall not
31 accrue on the amount of the penalty until 90 days after the date on
32 which a final order is issued. Interest charges assessed and
33 collectible pursuant to this subsection shall be based on the rate of
34 interest on judgments provided in the New Jersey Rules of Court.

35 c. Any owner or operator of a high hazard train who violates
36 the provisions of P.L. , c. (C.) (pending before the
37 Legislature as this bill), or any rule or regulation adopted pursuant
38 thereto, or who fails to pay in full a civil administrative penalty
39 levied pursuant to subsection b. of this section, or who fails to make
40 a payment pursuant to a penalty payment schedule entered into with
41 the department, or who knowingly makes any false or misleading
42 statement, representation, or certification on any application,
43 record, report, or other document required to be submitted to the
44 department, shall be subject, upon order of a court, to a civil penalty
45 not to exceed \$25,000 for each day during which the violation
46 continues. Any civil penalty imposed pursuant to this subsection
47 may be collected, and any costs incurred in connection therewith
48 may be recovered, in a summary proceeding pursuant to the

1 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
2 et seq.). In addition to any penalties, costs or interest charges, the
3 court may assess against the violator the amount of economic
4 benefit accruing to the violator from the violation. The Superior
5 Court shall have jurisdiction to enforce the "Penalty Enforcement
6 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

7 d. The owner or operator of a high hazard train that
8 experiences a discharge shall be subject to the penalty and
9 injunctive relief provisions of section 22 of P.L.1976,
10 c.141 (C.58:10-23.11u).

11
12 ²**[12]** 11². Whenever information is received by the New Jersey
13 Office of Emergency Management pursuant to United States
14 Department of Transportation Emergency Order Docket No. DOT-
15 OST-2014-0067, or any law, rule, regulation, or order that shall
16 supersede that order, or pursuant to section ²**[5]** 4² of P.L. ,
17 c. (C.) (pending before the Legislature as this bill), the New
18 Jersey Office of Emergency Management shall provide that
19 information to each county office of emergency management and
20 emergency services provider having jurisdiction along the travel
21 route of a high hazard train.

22
23 ²**[13]** 12². In accordance with the federal regulations
24 promulgated pursuant to section 11405 of the federal "Fixing
25 America's Surface Transportation Act," Pub.L.114-94, the
26 Commissioner of Environmental Protection shall, at least annually
27 and whenever the Commissioner of Environmental Protection shall
28 deem necessary, request from the United States Secretary of
29 Transportation a copy of the most recent bridge inspection report
30 generated pursuant to the federal ²**[**"Rail Safety Improvement Act
31 of 2008," Pub.L.110-432**]** "Fixing America's Surface
32 Transportation Act," Pub.L.114-94², for every bridge owned by a
33 railroad or upon which a railroad is located.

34 The Commissioner of Environmental Protection shall submit any
35 bridge inspection report, acquired by the Department of
36 Environmental Protection pursuant to this section, to the Governor
37 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
38 Legislature.

39
40 ²**[14.]** 13.² The department shall adopt rules and regulations
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

43
44 ²**[15.]** 14.² This act shall take effect immediately.