

SENATE, No. 2851

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED DECEMBER 1, 2005

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator JOSEPH V. DORIA, JR.

District 31 (Hudson)

SYNOPSIS

Authorizes DEP to replace person responsible for remediation on condemned property with condemnor under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 ANACT concerning remediation of condemned property, and supplementing
2 P.L.1993, c.139 (C.58:10B-1 et seq.).

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

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7 1. a. If a local government unit condemns contaminated property pursuant
8 to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.),
9 and the property is undergoing a remediation, the local government unit may
10 petition the Department of Environmental Protection, in writing, for authority
11 to perform the remediation of the condemned property. The department,
12 upon a determination that the local government unit is competent to perform
13 the remediation, may replace the person performing the remediation of the
14 condemned property with the local government unit that has condemned the
15 property. The department shall not replace the person performing the
16 remediation of the condemned property unless the local government unit enters
17 into a memorandum of agreement with the department to perform the
18 remediation.

19 b. Upon the replacement of the person performing a remediation of
20 contaminated property with a local government unit pursuant to subsection a.
21 of this section, the department may release the person from the requirement
22 to establish a remediation funding source as otherwise required pursuant to
23 section 25 of P.L.1993, c.139 (C.58:10B-3).

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill would authorize the Department of Environmental Protection to
31 replace the person responsible for performing a remediation at a property that
32 has been condemned by a local government unit pursuant to the "Eminent
33 Domain Act of 1971." At the request of the condemnor, the department,
34 upon a finding that the local government unit is competent to perform the
35 remediation, may replace the responsible party who is performing the
36 remediation and the local government unit may assume the responsibility for
37 performing the remediation. The local government unit would be required to
38 enter into a memorandum of agreement to perform the remediation. The
39 department would also be authorized to release the person who was
40 performing the remediation from the obligation to establish a remediation
41 funding source as otherwise required pursuant to section 25 of P.L.1993,
42 c.139 (C.58:10B-3).