

ADOPTIONS

Site Remediation Program – Spill Compensation and Control Act

Adopted New Rules: NJAC 7:1J

Proposed: February 3, 2003

Adopted: July 11, 2003

Effective: August 4, 2003

Listed in New Jersey Register August 4, 2003

The NJDEP has adopted the new rules governing the Processing of Damage Claims Pursuant to the Spill Compensation and Control Act at NJAC 7:1J.

PROPOSAL

Open Market Emissions Trading

Proposed Amendments: NJAC 7:27-1.32, 8.1, 8.3, 8.4, 8.17, 8.20, 8.25, 8.28, 16.1, 16.1A, 16.17, 19.1, 19.3, 19.13, 19.23, 19.24, 22.1, 22.3, 22.16, 22.18, 22.22, 22.28A, 22.30, 31.2, 31.3, 31.8, 31.12, 7:27A-3.2 and 3.10

Proposed New Rules: NJAC 7:27-19.27 and 7:27-19

Proposed Repeal: NJAC 7:27-18A, 18.11 and 30

Proposed Repeal and New Rule: NJAC 7:27-31.6

Proposal Number: PRN 2003-319

Listed in New Jersey Register August 4, 2003

The New Jersey Open Market Emissions Trading program has suffered from problems that diminished its effectiveness and may have resulted in an environmental disbenefit. The Department has determined, and so advised the USEPA and the regulated community, that it would take action to end the program. If adopted, this rulemaking would end the OMET program effective on the operative date of the adoption and would provide time, if necessary, for former users of discrete emission reduction credits to comply with the rules limiting VOC and Nox emissions.

Full copy of the repeal may be found at: <http://www.state.nj.us/dep/aqm/whatsnew/htm>

A Public Hearing is scheduled:

September 10, 2003

1:00 PM

The War Memorial Building

Turning Point Conference Room

West Lafayette Street

Trenton, New Jersey

Written comments may be submitted by October 3, 2003 to:

Attn: Alice Previte, Esq.

DEP Docket No. 15-03-07/379

Office of Legal Affairs

New Jersey Department of Environmental Protection

PO Box 402

Trenton, NJ 08625-0402

Or comments may be forwarded to Kristin Reed kreed@lawrencetwp.com

ADOPTIONS

Toxic Catastrophe Prevention Act Program

Readoption with Amendments: NJAC 7:31

Adopted Repeal: NJAC 7:31-1.11

Proposed: February 18, 2003

Adopted: July 7, 2003

Effective: July 14, 2003 – Readoption

August 4, 2003 – Amendments

Listed in New Jersey Register August 4, 2003

On February 18, 2003, the Department of Environmental Protection proposed to readopt, with amendments, NJAC 7:31, the Toxic Catastrophe Prevention Act program rules, which were scheduled to expire on December 15, 2003. The proposed readoption contained amendments that 1-add reactive hazardous substances and liquefied petroleum gas to the list of extraordinarily hazardous substances, 2- replace the current penalty table, 3-reinstate some program requirements that were eliminated during the 1998 readoption, and 4-clarify existing rule requirements. As a result of the comments received regarding the listing of liquefied petroleum gas as a flammable EHS's, the Department has determined that additional regulation under the TCPA program is unnecessary.

PROPOSAL

Occupational Safety and Health Review Commission Rules of Procedure

Proposed Readoption: NJAC 12:112

Proposal Number: PRN 2003-313

Listed in the New Jersey Register August 4, 2003

NJAC 12:112 is scheduled to expire on February 10, 2004. The rules provide detailed guidance for the efficient and equitable performance of the Review Commission and also provide each public employer with an explanation of the employer's rights and obligations when appearing before the Review Commission, thereby enabling the employer to prepare documents in an appropriate manner for presentation thereto.

The New Jersey Public Employees Occupational Safety and Health Act, NJSA 34:6A-25 et seq., requires the Department to establish health and safety standards in order to provide public employees with a safe and healthful work environment free of recognized hazards. Thus, if the Commissioner of Labor determines that a public employer has violated the Act, the Commissioner must, with reasonable promptness, issue a written order to comply to the employer. The order must describe both the nature of the violation, regulation or order which was alleged to have been violated, and the sanction imposed. It must also fix a reasonable time for compliance with the terms of the order.

A Public Hearing will be held:

Wednesday, August 27, 2003

10:00 AM

New Jersey Department of Labor

John Fitch Plaza

13th Floor Auditorium

Trenton, New Jersey

*Please call Office of Regulatory Services to be included on the list of speakers

609-777-2960

Written Comments may be submitted by October 3, 2003 to:

Frederick S. Cohen, Regulatory Officer

Office of Regulatory Services

Department of Labor

PO Box 110

Trenton, New Jersey 08625-0110

Fax: 609-292-8246

Or comments may be forwarded to Kristin Reed – kreed@lawrencetwp.com