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STATE OF NEW JERSEY

AND

Thirty-First Under the New Constitution

CHAPTERS 201-460



1987

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REORGANIZATION PLAN

(2083)

Reorganization Plan
Department of Environmental Protection

NOTICE OF A PLAN FOR THE
ORGANIZATION AND COORDINATION OF
RESPONSIBILITY FOR CERTAIN HAZARDOUS AND
SOLID WASTE MATTERS WITHIN THE DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Take notice that on March 9, 1987, Governor Thomas H. Kean hereby issues the following Reorganization Plan (No. 001-1987) to provide for the increased efficiency and effectiveness of the State's hazardous and solid waste management programs by the dissolution of the Department of Environmental Protection's Division of Waste Management and establishment within the Department of the new Divisions of Hazardous Waste Management, Hazardous Site Mitigation, and Solid Waste Management.

General Statement of Purpose

At the present time, the Department of Environmental Protection oversees the myriad of complex issues involving hazardous and solid wastes in this State through its Division of Waste Management.

This Reorganization Plan is precipitated by the recognition of a need to restructure the department's approach towards management of such wastes so as to maximize its effectiveness, efficiency, and productivity. This Reorganization Plan constitutes a structural and functional recognition that publicly and privately funded hazardous waste cleanups should be managed separately. This Plan also recognizes the regulatory advantages inherent in consolidating several existing programs aimed at effectuating corrective action at hazardous waste sites by responsible parties under the regulatory supervision of the State.

In accordance with the provisions of the Executive Reorganization Act (P.L. 1969, c. 203), I find and declare that the reorganization embodied in this Plan is necessary to accomplish the purposes set forth in Section 2 of that Act and will do the following:

- (1) It will promote the better execution of the laws, the more effective management of the Executive Branch and of its agen-

cies and functions and the expeditious administration of public business;

- (2) It will increase the efficiency of the operations of the Executive to the fullest extent practicable; and
- (3) It will group, coordinate and consolidate agencies and functions of the Executive, as nearly as may be, according to major purposes.

While some are more fully described hereafter, the following delineates the primary components of this Reorganization Plan:

The Division of Waste Management within the Department of Environmental Protection is hereby dissolved and reconstituted as the Division of Hazardous Waste Management, the Division of Hazardous Site Mitigation and the Division of Solid Waste Management.

The respective new divisions shall assume the appropriate functions, powers and duties of the former Division of Waste Management. The elevation in status of these units will properly reflect the expanded scope of responsibility, particularly the tasks of the department in dealing with the areas of hazardous waste management, the cleanup of publicly-funded hazardous waste sites and the issue of solid waste management.

The Divisions of Hazardous Waste Management and Hazardous Site Mitigation shall be responsible to an Assistant Commissioner of Hazardous Waste Management. Each division shall be supervised by a director who shall perform such duties as may be prescribed by the Commissioner.

The Division of Solid Waste Management as established herein shall report to the Assistant Commissioner for Environmental Management and Control within the Department of Environmental Protection and shall be headed by a director who shall perform such duties as may be prescribed by the Commissioner.

The specific organizations, names and functions of the elements, bureaus, offices, sections and programs of these three Divisions shall be determined by the Commissioner of Environmental Protection, and may be modified thereby from time to time as the Commissioner deems appropriate in order to effectuate the purposes and provisions of this Reorganization Plan.

All transfers directed by this Reorganization Plan shall be effective pursuant to the "State Agency Transfer Act" (P.L. 1971, c. 375).

All unexpended balances of all funds appropriated or otherwise made available for functions heretofore by the Division of Waste Management are hereby transferred as follows:

- (1) To the Division of Solid Waste Management, those funds appropriated, or otherwise made available, for solid waste management purposes;
- (2) To the Division of Hazardous Waste Management, those funds appropriated, or otherwise made available, for hazardous waste management purposes; and
- (3) To the Division of Hazardous Site Mitigation, those funds appropriated, or otherwise made available, for the remediation of hazardous discharge sites.

Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Waste Management in the Department of Environmental Protection, the same shall mean and refer to the Division of Hazardous Waste Management, Hazardous Site Mitigation or Solid Waste Management, as appropriate.

All acts and parts of acts inconsistent with any provisions of this Reorganization Plan are superseded to the extent of such inconsistencies. Any provisions of this plan which conflict with federal law are null and void.

A copy of this Reorganization Plan was filed on March 9, 1987 with the Secretary of State and the Office of Administrative Law. This Plan shall become effective in 60 days on May 8, 1987 unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than May 8, 1987 should the Governor establish such a later date for the effective date of the Plan by Executive Order.

Take notice that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the pamphlet laws under a heading of "Reorganization Plans."

Filed March 9, 1987.

Effective May 8, 1987.

