EXECUTIVE ORDER No. 214

WHEREAS, Executive Order No. 213 established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts to investigate, research and report on the nature and scope of any discrimination in public works procurement and construction contracts awarded by the State and recommend remedies for any discrimination; and

WHEREAS, The Study Commission would benefit from the expansion of its membership to include representatives of the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises and the Governor's Advisory Council on Minority Business Development and additional representatives of the public at large;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The membership of the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts is hereby expanded to include two representatives of the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises, two representatives from the Governor's Advisory Council on Minority Business Development and six additional public members, all of whom shall be appointed by the Governor.

2. Except as provided in section 1 of this Executive Order, all other terms of Executive Order No. 213 shall remain in force and effect.

3. This Order shall take effect immediately.

Issued August 18, 1989.

EXECUTIVE ORDER No. 215

WHEREAS, The protection of the environment, which is the subject of a public trust administered by government for the benefit of all citizens, is a primary responsibility of State government; and

WHEREAS, Government must not only regulate but also must provide an example in the effort to protect the human environment and the natural resources of the State; and
WHEREAS, The design and location of projects initiated or funded by departments, agencies or authorities of State government may have significant primary and consequential effects on the environment; and

WHEREAS, The protection of the environment, the management of development, and the prudent use of the State’s limited land and other resources will be fostered by the proper location and design of projects initiated or funded by departments, agencies or authorities of State government; and

WHEREAS, The potentially adverse environmental impact of projects initiated or funded by departments, agencies or authorities of State government can be substantially reduced or eliminated if that impact is assessed before the approval of such project and agreement reached on the ways and means to ensure environmental compatibility;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. All departments, agencies and authorities of the State shall prepare and submit to the Department of Environmental Protection an environmental assessment or environmental impact statement, as specified below, in support of major construction projects. Projects directly initiated by departments, agencies, or authorities of the State, as well as projects in which the State departments, agencies or authorities are granting at least 20 percent financial assistance, shall comply with this Order.

For the purpose of determining an appropriate level of review, projects shall be categorized as follows:

a) Level 1—projects with anticipated construction costs in excess of $1 million shall be subject to the preparation of an environmental assessment. The assessment shall follow guidelines prepared by the Department of Environmental Protection, attached herewith to this Order. Alternatively, environmental assessments prepared to support a “Finding of No Significant Impact” under the National Environmental Policy Act may be substituted for an assessment otherwise required pursuant to the attached Department of Environmental Protection guidelines; or

b) Level 2—projects with both construction costs in excess of $5 million and land disturbance in excess of five acres shall be subject
to the preparation of an environmental impact statement. The statement shall follow guidelines prepared by the Department of Environmental Protection, attached herewith to this Order.

2. The assessment or impact statement shall be submitted by the proposing or granting department, agency or authority and reviewed by the Department of Environmental Protection as early in the project planning and design process as possible, but in all cases such submission and the review process which follows must be completed prior to commencing site preparation and/or construction activity on the project. In the case of any project to be funded by a department, agency, or authority of the State, review of the assessment or impact statement must be completed by the Department of Environmental Protection prior to awarding any financial assistance for the commencement of site preparation and/or construction activity.

3. Upon receipt of an environmental assessment or impact statement the Department of Environmental Protection shall undertake a review to determine whether the documents submitted are administratively complete. Within 20 days of receipt, the Department of Environmental Protection shall either certify that the environmental assessment or impact statement is administratively complete and conforms to the guidelines attached herewith to this Order, or specify in writing to the proposing or granting department, agency, or authority that the environmental assessment or impact statement is administratively deficient. If deemed deficient, the proposing or granting department, agency or authority shall correct such deficiency or deficiencies as specified by the Department of Environmental Protection and may resubmit the environmental assessment or impact statement at any time thereafter for review by the Department. Within sixty (60) days of the Department of Environmental Protection’s receipt of an environmental assessment or impact statement determined to be administratively complete, the Department shall conclude its review of such assessment or impact statement. If the Department of Environmental Protection has not concluded its review of the assessment or impact statement within this 60-day period, the project shall be deemed approved.

4. Upon concluding its review, the Department of Environmental Protection shall provide a written response to the proposing or granting department, agency or authority. The response shall include the following:

a) identification of any probable adverse environmental impacts that could be expected from project implementation;
b) an identification of any Department of Environmental Protection permits or regulatory requirements which will be applicable to the proposed project; and

c) recommendations including, but not limited to:

i) approval based on the representations made in the assessment or impact statement;

ii) conditional approval, including receipt of permits and/or measures to reduce and/or mitigate the anticipated impacts to an acceptable level;

iii) an additional impact assessment on one or more specific environmental consequences;

iv) project modification to avoid adverse environmental impacts; and

v) major restructuring of the project.

5. Within thirty (30) days of receiving the Department of Environmental Protection’s recommendation(s), the proposing or granting department, agency or authority shall provide the Department of Environmental Protection with a written response either indicating acceptance of the Department of Environmental Protection’s recommendation(s) or setting forth those issues remaining in dispute.

6. Any dispute regarding implementation of the Department of Environmental Protection’s recommendation(s) shall be resolved in good faith through meetings between the Commissioner of Environmental Protection and the commissioner, chairman or agency head of the proposing or granting department, agency or authority.

7. Notwithstanding the anticipated construction costs or land disturbance involved, the provisions of this Order shall not apply to the following types of projects:

a) maintenance or repair projects;

b) facilities or equipment replaced in kind at the same location;

c) renovations or rehabilitation of existing buildings;

d) expansions or additions of existing buildings, provided that the expansion or addition does not increase the building’s capacity by more than 25 percent;

e) projects subject to review pursuant to the provisions of the
Coastal Area Facility Review Act or the Municipal Wastewater Treatment Financing Program;

f) projects which will require a full environmental impact statement pursuant to the National Environmental Policy Act;

g) projects classified as categorical exclusions pursuant to regulations promulgated in accordance with the National Environmental Policy Act; or

h) projects involving loans or tax exempt financing to private sector applicants by departments, agencies or authorities of the State of New Jersey.

8. This Order shall not apply to authorities or commissions created pursuant to interstate agreements.

9. This Order shall not apply to projects previously exempt from Governor Cahill’s Executive Order No. 53 (1973) where final plans and specifications have been completed on such projects prior to this Order taking effect.

10. Governor Cahill’s Executive Order No. 53 (1973) is hereby rescinded.

11. This Order shall take effect immediately.

Issued September 11, 1989.

EXECUTIVE ORDER No. 216

WHEREAS, The federal Toxic Substances Control Act, 15 U.S.C.§ 2601 et seq., as amended by provisions regarding Indoor Radon Abatement, Pub.L.100-551, 102 Stat. 2755 (1988), allows the Administrator of the United States Environmental Protection Agency to make grants for the purpose of assisting states in the development and implementation of programs for the assessment and mitigation of radon; and

WHEREAS, The Toxic Substances Control Act requires that each state’s grant application be filed by the Governor of that state; and

WHEREAS, The Radiation Protection Act of 1958, C.26:2D-1 et seq., charges the Department of Environmental Protection with the