

13:1E-116.2

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2001 **CHAPTER:** 311

NJSA: 13:1E-116.2 (Amends Municipal Landfills law)

BILL NO: A659 (Substituted for S1118)

SPONSOR(S): Gibson and Asselta

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Solid and Hazardous Waste; Appropriations

SENATE: Environment

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 26, 2001

SENATE: December 17, 2001

DATE OF APPROVAL: January 3, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

A659

SPONSORS STATEMENT: (Begins on 4 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 1-23-
2001(Solid Waste)

2001(Appropriation) 3-1-

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes

S1118

SPONSORS STATEMENT: (Begins on page 4 of original bill) Yes

Bill and Sponsors Statement identical to A659

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

Identical to Senate Statement for A659

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes

Identical to fiscal estimate for A659

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government

Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

ASSEMBLY, No. 659

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Amends "Municipal Landfill Site Closure, Remediation and Redevelopment Act" to include certain Pinelands municipal landfills.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning Pinelands municipal landfill site closure and
2 redevelopment, and amending P.L.1996, c.124.

3

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

6

7 1. Section 2 of P.L.1996, c.124 (C.13:1E-116.2) is amended to
8 read as follows:

9 2. As used in this act:

10 "Closure" means all activities associated with the design, purchase,
11 construction or maintenance of all measures required by the
12 department, pursuant to law, in order to prevent, minimize or monitor
13 pollution or health hazards resulting from municipal solid waste
14 landfills subsequent to the termination of operations at any portion
15 thereof, including, but not necessarily limited to, the placement of final
16 earthen or vegetative cover, the installation of methane gas vents or
17 monitors and leachate monitoring wells or collection systems, and
18 long-term operations and maintenance, at the site of any municipal
19 solid waste landfill that is not listed on the National Priorities List
20 pursuant to the "Comprehensive Environmental Response,
21 Compensation, and Liability Act of 1980," 42 U.S.C. 9605.

22 "Closure and remediation costs" means all reasonable costs
23 associated with the closure and remediation of a municipal solid waste
24 landfill except that "closure and remediation costs" shall not include
25 any costs incurred in financing the closure or remediation.

26 "Commercial solid waste" means any nonhazardous solid waste
27 derived from wholesale, retail or service establishments, including
28 stores, markets, theaters, offices, restaurants, warehouses, or from
29 other non-manufacturing commercial activities.

30 "Developer" means any person that enters or proposes to enter into
31 a redevelopment agreement with the State pursuant to the provisions
32 of section 3 of P.L.1996, c.124 (C.13:1E-116.3).

33 "Director" means the Director of the Division of Taxation in the
34 Department of the Treasury.

35 "Household solid waste" means any solid waste derived from
36 households, including but not limited to single and multiple residences,
37 hotels and motels, bunkhouses, ranger stations, crew quarters,
38 campgrounds, picnic grounds and day use recreation areas, except that
39 "household solid waste" shall not include septic waste as defined in
40 section 3 of P.L.1970, c.40 (C.48:13A-3).

41 "Industrial solid waste" means any solid waste derived from
42 manufacturing, industrial and research and development processes and
43 operations that is not a hazardous waste as defined in section 1 of
44 P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall

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

Matter underlined thus is new matter.

1 not include mining waste, oil waste, gas waste, or cement kiln dust
2 waste.

3 "Municipal solid waste landfill" means a landfill that ceased
4 operations prior to January 1, 1982 and received for disposal
5 household solid waste and at least one of the following: (1)
6 commercial solid waste; (2) industrial solid waste; or (3) waste
7 material that was received for disposal prior to October 21, 1976 and
8 that is included within the definition of hazardous waste adopted by
9 the federal government pursuant to the "Resource Conservation and
10 Recovery Act," 42 U.S.C. 6921 et seq. [; except that] A "municipal
11 solid waste landfill" shall not include any landfill that is approved for
12 disposal of hazardous waste and regulated pursuant to Subchapter III
13 of the "Resource Conservation and Recovery Act," 42 U.S.C. 6921
14 et seq. A "municipal solid waste landfill" shall include any "Pinelands
15 municipal landfill" regardless of the date the landfill ceased operations.

16 "Pinelands municipal landfill" means a municipal solid waste landfill
17 that is located in a rural municipality within a non-growth area in the
18 Pinelands area as defined in section 3 of P.L.1979, c.111 (C.13:18A-3)
19 and the rural Pinelands municipality within which the landfill is located
20 has participated in the pilot program for rural economic development
21 developed by the Pinelands Commission pursuant to section 2 of
22 P.L.1997, c.233 (C.13:18A-57).

23 "Project" or "redevelopment project" means a specific work or
24 improvement, including lands, buildings, improvements, real and
25 personal property or any interest therein, including lands under water,
26 riparian rights, space rights and air rights, acquired, owned, developed
27 or redeveloped, constructed, reconstructed, rehabilitated or improved,
28 undertaken by a developer within an area of land whereon a municipal
29 solid waste landfill is or has been located, under a redevelopment
30 agreement with the State pursuant to section 3 of P.L.1996, c.124
31 (C.13:1E-116.3). Any redevelopment project to be undertaken by a
32 developer within an area of land whereon a Pinelands municipal
33 landfill is or has been located shall be consistent with the
34 recommendations of the pilot program for rural economic development
35 developed by the Pinelands Commission pursuant to section 2 of
36 P.L.1997, c.233 (C.13:18A-57) and the report thereon submitted to
37 the Governor and the Legislature pursuant to section 3 of P.L.1997,
38 c.233 (C.13:18A-58).

39 "Redevelopment agreement" means an agreement between the State
40 and a developer under which the developer agrees to perform any
41 work or undertaking necessary for the environmentally sound and
42 proper closure and remediation of the municipal solid waste landfill
43 located at the site of the redevelopment project, and for the clearance,
44 development or redevelopment, construction or rehabilitation of any
45 structure or improvement of commercial, industrial or public
46 structures or improvements within an area of land whereon a municipal

1 solid waste landfill is or has been located pursuant to section 3 of
2 P.L.1996, c.124 (C.13:1E-116.3), and the State agrees that the
3 developer shall be eligible for the reimbursement of 75% of the costs
4 of closure and remediation of the municipal solid waste landfill from
5 the fund established pursuant to section 6 of P.L.1996, c.124
6 (C.13:1E-116.6) as authorized pursuant to section 4 of P.L.1996,
7 c.124 (C.13:1E-116.4).

8 "Remediation" or "remediate" means all necessary actions to
9 investigate and clean up any known, suspected, or threatened
10 discharge of contaminants, including, as necessary, the preliminary
11 assessment, site investigation, remedial investigation, and remedial
12 action, as those terms are defined in section 23 of P.L.1993, c.139
13 (C.58:10B-1).

14 (cf: P.L.1996, c.124, s.2)

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would revise the "Municipal Landfill Site Closure,
22 Remediation and Redevelopment Act," P.L.1996, c.124 (C.13:1E-
23 116.1 et seq.) to include any redevelopment project to be undertaken
24 by a developer within a rural Pinelands municipality on an area of land
25 upon which a Pinelands municipal landfill is or has been located. A
26 redevelopment project of this nature must be consistent with the
27 recommendations of the pilot program for rural economic development
28 developed by the Pinelands Commission pursuant to section 2 of
29 P.L.1997, c.233 (C.13:18A-57).

30 The "Municipal Landfill Site Closure, Remediation and
31 Redevelopment Act" provides for the remediation and redevelopment
32 of municipal solid waste landfill sites under the terms and conditions
33 of a redevelopment agreement negotiated by a developer and the State.
34 Under a redevelopment agreement, an eligible developer who closes
35 and remediates the site of a former municipal solid waste landfill
36 would be eligible for reimbursement of 75 percent of the costs of
37 closure and remediation of the municipal solid waste landfill after the
38 site is redeveloped, from payments derived from one-half of the sales
39 tax collected on non-exempt sales generated from any business located
40 on the site.

41 A "Pinelands municipal landfill" is a municipal solid waste landfill
42 that is located in a rural municipality within a non-growth region in the
43 Pinelands area, which has participated in the pilot program for rural
44 economic development developed by the Pinelands Commission
45 pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57). A "Pinelands
46 municipal landfill" would be considered a "municipal solid waste

1 landfill" for the purposes of P.L.1996, c.124 regardless of the date the
2 landfill ceased operations.

3 Under this bill, a proposed redevelopment project in the Pinelands
4 area would be eligible for funding under the "Municipal Landfill Site
5 Closure, Remediation and Redevelopment Act" provided that the
6 municipality within which the Pinelands municipal landfill is located
7 has participated in the Pinelands Rural Economic Development Pilot
8 Program and the redevelopment project is consistent with the
9 recommendations of the pilot program for rural economic development
10 developed by the Pinelands Commission and its report thereon
11 submitted to the Governor and the Legislature pursuant to section 3
12 of P.L.1997, c.233 (C.13:18A-58).

ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 659

STATE OF NEW JERSEY

DATED: JANUARY 23, 2001

The Assembly Solid and Hazardous Waste Committee reports favorably Assembly Bill No. 659.

This bill would revise the "Municipal Landfill Site Closure, Remediation and Redevelopment Act," P.L.1996, c.124 (C.13:1E-116.1 et seq.) to include any redevelopment project to be undertaken by a developer within a rural Pinelands municipality on an area of land upon which a Pinelands municipal landfill is or has been located. A redevelopment project of this nature must be consistent with the recommendations of the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57).

The "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provides for the remediation and redevelopment of municipal solid waste landfill sites under the terms and conditions of a redevelopment agreement negotiated by a developer and the State. Under a redevelopment agreement, an eligible developer who closes and remediates the site of a former municipal solid waste landfill would be eligible for reimbursement of 75 percent of the costs of closure and remediation of the municipal solid waste landfill after the site is redeveloped, from payments derived from one-half of the sales tax collected on non-exempt sales generated from any business located on the site.

A "Pinelands municipal landfill" is a municipal solid waste landfill that is located in a rural municipality within a non-growth region in the Pinelands area, which has participated in the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57). A "Pinelands municipal landfill" would be considered a "municipal solid waste landfill" for the purposes of P.L.1996, c.124 regardless of the date the landfill ceased operations.

Under this bill, a proposed redevelopment project in the Pinelands area would be eligible for funding under the "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provided that the municipality within which the Pinelands municipal landfill is located has participated in the Pinelands Rural Economic Development Pilot Program and the redevelopment project is consistent with the recommendations of the pilot program for rural economic development

developed by the Pinelands Commission and its report thereon submitted to the Governor and the Legislature pursuant to section 3 of P.L.1997, c.233 (C.13:18A-58).

This bill was pre-filed for introduction in the 2000-2001 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 659

STATE OF NEW JERSEY

DATED: MARCH 1, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 659.

Assembly Bill No. 659 revises the "Municipal Landfill Site Closure, Remediation and Redevelopment Act," P.L.1996, c.124 (C.13:1E-116.1 et seq.) to include within the scope of the act any redevelopment project to be undertaken by a developer within a rural Pinelands municipality on an area of land upon which a Pinelands municipal landfill is or has been located. A redevelopment project of this nature must be consistent with the recommendations of the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57).

The "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provides for the remediation and redevelopment of municipal solid waste landfill sites under the terms and conditions of a redevelopment agreement negotiated by a developer and the State. Under a redevelopment agreement, an eligible developer who closes and remediates the site of a former municipal solid waste landfill is eligible for reimbursement of 75 percent of the costs of closure and remediation of the municipal solid waste landfill after the site is redeveloped. The reimbursement is derived from one-half of the sales tax collected on non-exempt sales generated from any business located on the site.

A "Pinelands municipal landfill" is defined by the bill to be a municipal solid waste landfill that is located in a rural municipality within a non-growth region in the Pinelands area and which municipality has participated in the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57). A "Pinelands municipal landfill" would be considered a "municipal solid waste landfill" under the bill for the purposes of P.L.1996, c.124 regardless of the date the landfill ceased operations.

Under this bill, a proposed redevelopment project in the Pinelands area would be eligible for funding under the "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provided that the municipality within which the Pinelands municipal landfill is located has participated in the Pinelands Rural Economic Development Pilot Program and the redevelopment project is consistent with the

recommendations of the pilot program for rural economic development developed by the Pinelands Commission and its report thereon submitted to the Governor and the Legislature pursuant to section 3 of P.L.1997, c.233 (C.13:18A-58).

FISCAL IMPACT:

While the number of participants is limited, actual closure and remediation costs would first have to be determined before estimating the level of reimbursement payments to eligible developers. Estimation of revenue impact depends on the nature of the sales tax-collecting businesses on a redevelopment site, which would ultimately affect the gross receipts subject to sales and use taxation.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 659
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JULY 24, 2001

SUMMARY

Synopsis: Amends "Municipal Landfill Site Closure, Remediation and Redevelopment Act" to include certain Pinelands municipal landfills.

Type of Impact: Gain in State sales tax and municipal property tax revenues.

Agencies Affected: Pinelands municipalities; Pinelands Commission; Department of the Treasury.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	None	Indeterminate Increase	Indeterminate Increase
Local Revenue	None	Indeterminate Increase	Indeterminate Increase

- ! The bill amends section 2 of the "Municipal Landfill Site Closure, Remediation and Redevelopment Act" by permitting municipal landfills located within non-growth areas of the Pinelands to be eligible for redevelopment and tax benefits as provided under the act.
- ! Under the act, a developer who cleans up and redevelops a former municipal landfill site for other commercial purposes may be eligible for reimbursement of 75 percent of incurred site costs after the site is redeveloped.
- ! The act provides that eligible reimbursement costs be derived from one-half of the sales tax revenues collected on non-exempt sales generated from any business located on the site.
- ! The bill requires that any such redevelopment projects in Pinelands area municipalities be consistent with the recommendations of the Pinelands Commission Rural Economic Development Pilot Program.
- ! The Office of Legislative Services (OLS) estimates that State sales tax and local property tax revenues will be enhanced if the bill is enacted.

BILL DESCRIPTION

Assembly Bill No. 659 of 2000 amends the "Municipal Landfill Site Closure, Remediation and Redevelopment Act," P.L.1996, c.124 to allow Pinelands municipalities to be eligible for redevelopment projects, and special tax benefits provided therein, that are undertaken on land within these municipalities where a municipal landfill is or had been located. Under the bill, a redevelopment project of this nature must be consistent with the recommendations of the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233.

The "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provides for the remediation and redevelopment of municipal solid waste landfill sites under the terms and conditions of a redevelopment agreement negotiated by a developer and the State. Under a redevelopment agreement, an eligible developer who closes and remediates the site of a former municipal solid waste landfill would be eligible for reimbursement of 75 percent of the costs of closure and remediation of the site after it is redeveloped. Reimbursement payments would be derived from one-half of the sales tax collected on non-exempt sales generated from any business located on the site.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that the inclusion of Pinelands area municipalities in the municipal landfill redevelopment program offered under P.L. 1996, c.124 would result in the development of businesses that generate both State sales tax revenues and municipal property tax revenues. The level of potential revenue generation cannot be estimated until such businesses are established, which would be at least one year or more after enactment. Regardless of the tax breaks offered to the developer under the State program, the State Treasury and affected Pinelands municipalities would still realize net gains in tax income from enterprises that otherwise could not be developed under current law.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 659

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Environment Committee reports favorably Assembly Bill No. 659.

Assembly Bill No. 659 revises the "Municipal Landfill Site Closure, Remediation and Redevelopment Act," P.L.1996, c.124 (C.13:1E-116.1 et seq.) to include within the scope of the act any redevelopment project to be undertaken by a developer within a rural Pinelands municipality on an area of land upon which a Pinelands municipal landfill is or has been located. A redevelopment project of this nature must be consistent with the recommendations of the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57).

The "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provides for the remediation and redevelopment of municipal solid waste landfill sites under the terms and conditions of a redevelopment agreement negotiated by a developer and the State. Under a redevelopment agreement, an eligible developer who closes and remediates the site of a former municipal solid waste landfill is eligible for reimbursement of up to 75 percent of the costs of closure and remediation of the municipal solid waste landfill after the site is redeveloped. The reimbursement is derived from one-half of the sales tax collected on non-exempt sales generated from any business located on the site.

A "Pinelands municipal landfill" is defined by the bill to be a municipal solid waste landfill that is located in a rural municipality within a non-growth region in the Pinelands area and which municipality has participated in the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57). A "Pinelands municipal landfill" would be considered a "municipal solid waste landfill" under the bill for the purposes of P.L.1996, c.124 regardless of the date the landfill ceased operations.

Under this bill, a proposed redevelopment project in the Pinelands area would be eligible for funding under the "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provided that the municipality within which the Pinelands municipal landfill is located has participated in the Pinelands Rural Economic Development Pilot Program and the redevelopment project is consistent with the

recommendations of the pilot program for rural economic development developed by the Pinelands Commission and its report thereon submitted to the Governor and the Legislature pursuant to section 3 of P.L.1997, c.233 (C.13:18A-58).

This bill is identical to Senate Bill No. 1118 which was also released by the committee.

ASSEMBLY, No. 659

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Senator Cafiero

SYNOPSIS

Amends "Municipal Landfill Site Closure, Remediation and Redevelopment Act" to include certain Pinelands municipal landfills.

CURRENT VERSION OF TEXT

As reported by the Assembly Solid and Hazardous Waste Committee with technical review.



(Sponsorship Updated As Of: 12/18/2001)

1 AN ACT concerning Pinelands municipal landfill site closure and
2 redevelopment, and amending P.L.1996, c.124.

3

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

6

7 1. Section 2 of P.L.1996, c.124 (C.13:1E-116.2) is amended to
8 read as follows:

9 2. As used in this act:

10 "Closure" means all activities associated with the design, purchase,
11 construction or maintenance of all measures required by the
12 department, pursuant to law, in order to prevent, minimize or monitor
13 pollution or health hazards resulting from municipal solid waste
14 landfills subsequent to the termination of operations at any portion
15 thereof, including, but not necessarily limited to, the placement of final
16 earthen or vegetative cover, the installation of methane gas vents or
17 monitors and leachate monitoring wells or collection systems, and
18 long-term operations and maintenance, at the site of any municipal
19 solid waste landfill that is not listed on the National Priorities List
20 pursuant to the "Comprehensive Environmental Response,
21 Compensation, and Liability Act of 1980," 42 U.S.C. 9605.

22 "Closure and remediation costs" means all reasonable costs
23 associated with the closure and remediation of a municipal solid waste
24 landfill except that "closure and remediation costs" shall not include
25 any costs incurred in financing the closure or remediation.

26 "Commercial solid waste" means any nonhazardous solid waste
27 derived from wholesale, retail or service establishments, including
28 stores, markets, theaters, offices, restaurants, warehouses, or from
29 other non-manufacturing commercial activities.

30 "Developer" means any person that enters or proposes to enter into
31 a redevelopment agreement with the State pursuant to the provisions
32 of section 3 of P.L.1996, c.124 (C.13:1E-116.3).

33 "Director" means the Director of the Division of Taxation in the
34 Department of the Treasury.

35 "Household solid waste" means any solid waste derived from
36 households, including but not limited to single and multiple residences,
37 hotels and motels, bunkhouses, ranger stations, crew quarters,
38 campgrounds, picnic grounds and day use recreation areas, except that
39 "household solid waste" shall not include septic waste as defined in
40 section 3 of P.L.1970, c.40 (C.48:13A-3).

41 "Industrial solid waste" means any solid waste derived from
42 manufacturing, industrial and research and development processes and
43 operations that is not a hazardous waste as defined in section 1 of
44 P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall

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

Matter underlined thus is new matter.

1 not include mining waste, oil waste, gas waste, or cement kiln dust
2 waste.

3 "Municipal solid waste landfill" means a landfill that ceased
4 operations prior to January 1, 1982 and received for disposal
5 household solid waste and at least one of the following: (1)
6 commercial solid waste; (2) industrial solid waste; or (3) waste
7 material that was received for disposal prior to October 21, 1976 and
8 that is included within the definition of hazardous waste adopted by
9 the federal government pursuant to the "Resource Conservation and
10 Recovery Act," 42 U.S.C. 6921 et seq. [; except that] A "municipal
11 solid waste landfill" shall not include any landfill that is approved for
12 disposal of hazardous waste and regulated pursuant to Subchapter III
13 of the "Resource Conservation and Recovery Act," 42 U.S.C. 6921
14 et seq. A "municipal solid waste landfill" shall include any "Pinelands
15 municipal landfill" regardless of the date the landfill ceased operations.

16 "Pinelands municipal landfill" means a municipal solid waste landfill
17 that is located in a rural municipality within a non-growth area in the
18 Pinelands area as defined in section 3 of P.L.1979, c.111 (C.13:18A-3)
19 and the rural Pinelands municipality within which the landfill is located
20 has participated in the pilot program for rural economic development
21 developed by the Pinelands Commission pursuant to section 2 of
22 P.L.1997, c.233 (C.13:18A-57).

23 "Project" or "redevelopment project" means a specific work or
24 improvement, including lands, buildings, improvements, real and
25 personal property or any interest therein, including lands under water,
26 riparian rights, space rights and air rights, acquired, owned, developed
27 or redeveloped, constructed, reconstructed, rehabilitated or improved,
28 undertaken by a developer within an area of land whereon a municipal
29 solid waste landfill is or has been located, under a redevelopment
30 agreement with the State pursuant to section 3 of P.L.1996, c.124
31 (C.13:1E-116.3). Any redevelopment project to be undertaken by a
32 developer within an area of land whereon a Pinelands municipal
33 landfill is or has been located shall be consistent with the
34 recommendations of the pilot program for rural economic development
35 developed by the Pinelands Commission pursuant to section 2 of
36 P.L.1997, c.233 (C.13:18A-57) and the report thereon submitted to
37 the Governor and the Legislature pursuant to section 3 of P.L.1997,
38 c.233 (C.13:18A-58).

39 "Redevelopment agreement" means an agreement between the State
40 and a developer under which the developer agrees to perform any
41 work or undertaking necessary for the environmentally sound and
42 proper closure and remediation of the municipal solid waste landfill
43 located at the site of the redevelopment project, and for the clearance,
44 development or redevelopment, construction or rehabilitation of any
45 structure or improvement of commercial, industrial or public
46 structures or improvements within an area of land whereon a municipal

1 solid waste landfill is or has been located pursuant to section 3 of
2 P.L.1996, c.124 (C.13:1E-116.3), and the State agrees that the
3 developer shall be eligible for the reimbursement of 75% of the costs
4 of closure and remediation of the municipal solid waste landfill from
5 the fund established pursuant to section 6 of P.L.1996, c.124
6 (C.13:1E-116.6) as authorized pursuant to section 4 of P.L.1996,
7 c.124 (C.13:1E-116.4).

8 "Remediation" or "remediate" means all necessary actions to
9 investigate and clean up any known, suspected, or threatened
10 discharge of contaminants, including, as necessary, the preliminary
11 assessment, site investigation, remedial investigation, and remedial
12 action, as those terms are defined in section 23 of P.L.1993, c.139
13 (C.58:10B-1).

14 (cf: P.L.1996, c.124, s.2)

15

16 2. This act shall take effect immediately.

SENATE, No. 1118

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MARCH 20, 2000

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Amends "Municipal Landfill Site Closure, Remediation and Redevelopment Act" to include certain Pinelands municipal landfills.

CURRENT VERSION OF TEXT

As introduced.



S1118 CAFIERO

2

1 **AN ACT** concerning Pinelands municipal landfill site closure and
2 redevelopment, and amending P.L.1996, c.124.

3

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

6

7 1. Section 2 of P.L.1996, c.124 (C.13:1E-116.2) is amended to
8 read as follows:

9 2. As used in this act:

10 "Closure" means all activities associated with the design, purchase,
11 construction or maintenance of all measures required by the
12 department, pursuant to law, in order to prevent, minimize or monitor
13 pollution or health hazards resulting from municipal solid waste
14 landfills subsequent to the termination of operations at any portion
15 thereof, including, but not necessarily limited to, the placement of final
16 earthen or vegetative cover, the installation of methane gas vents or
17 monitors and leachate monitoring wells or collection systems, and
18 long-term operations and maintenance, at the site of any municipal
19 solid waste landfill that is not listed on the National Priorities List
20 pursuant to the "Comprehensive Environmental Response,
21 Compensation, and Liability Act of 1980," 42 U.S.C. 9605.

22 "Closure and remediation costs" means all reasonable costs
23 associated with the closure and remediation of a municipal solid waste
24 landfill except that "closure and remediation costs" shall not include
25 any costs incurred in financing the closure or remediation.

26 "Commercial solid waste" means any nonhazardous solid waste
27 derived from wholesale, retail or service establishments, including
28 stores, markets, theaters, offices, restaurants, warehouses, or from
29 other non-manufacturing commercial activities.

30 "Developer" means any person that enters or proposes to enter into
31 a redevelopment agreement with the State pursuant to the provisions
32 of section 3 of P.L.1996, c.124 (C.13:1E-116.3).

33 "Director" means the Director of the Division of Taxation in the
34 Department of the Treasury.

35 "Household solid waste" means any solid waste derived from
36 households, including but not limited to single and multiple residences,
37 hotels and motels, bunkhouses, ranger stations, crew quarters,
38 campgrounds, picnic grounds and day use recreation areas, except that
39 "household solid waste" shall not include septic waste as defined in
40 section 3 of P.L.1970, c.40 (C.48:13A-3).

41 "Industrial solid waste" means any solid waste derived from
42 manufacturing, industrial and research and development processes and
43 operations that is not a hazardous waste as defined in section 1 of

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

Matter underlined thus is new matter.

1 P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall
2 not include mining waste, oil waste, gas waste, or cement kiln dust
3 waste.

4 "Municipal solid waste landfill" means a landfill that ceased
5 operations prior to January 1, 1982 and received for disposal
6 household solid waste and at least one of the following: (1)
7 commercial solid waste; (2) industrial solid waste; or (3) waste
8 material that was received for disposal prior to October 21, 1976 and
9 that is included within the definition of hazardous waste adopted by
10 the federal government pursuant to the "Resource Conservation and
11 Recovery Act," 42 U.S.C. 6921 et seq. [; except that] A "municipal
12 solid waste landfill" shall not include any landfill that is approved for
13 disposal of hazardous waste and regulated pursuant to Subchapter III
14 of the "Resource Conservation and Recovery Act," 42 U.S.C. 6921
15 et seq. A "municipal solid waste landfill" shall include any "Pinelands
16 municipal landfill" regardless of the date the landfill ceased operations.

17 "Pinelands municipal landfill" means a municipal solid waste landfill
18 that is located in a rural municipality within a non-growth area in the
19 Pinelands area as defined in section 3 of P.L.1979, c.111 (C.13:18A-3)
20 and the rural Pinelands municipality within which the landfill is located
21 has participated in the pilot program for rural economic development
22 developed by the Pinelands Commission pursuant to section 2 of
23 P.L.1997, c.233 (C.13:18A-57).

24 "Project" or "redevelopment project" means a specific work or
25 improvement, including lands, buildings, improvements, real and
26 personal property or any interest therein, including lands under water,
27 riparian rights, space rights and air rights, acquired, owned, developed
28 or redeveloped, constructed, reconstructed, rehabilitated or improved,
29 undertaken by a developer within an area of land whereon a municipal
30 solid waste landfill is or has been located, under a redevelopment
31 agreement with the State pursuant to section 3 of P.L.1996, c.124
32 (C.13:1E-116.3). Any redevelopment project to be undertaken by a
33 developer within an area of land whereon a Pinelands municipal
34 landfill is or has been located shall be consistent with the
35 recommendations of the pilot program for rural economic development
36 developed by the Pinelands Commission pursuant to section 2 of
37 P.L.1997, c.233 (C.13:18A-57) and the report thereon submitted to
38 the Governor and the Legislature pursuant to section 3 of P.L.1997,
39 c.233 (C.13:18A-58).

40 "Redevelopment agreement" means an agreement between the State
41 and a developer under which the developer agrees to perform any
42 work or undertaking necessary for the environmentally sound and
43 proper closure and remediation of the municipal solid waste landfill
44 located at the site of the redevelopment project, and for the clearance,
45 development or redevelopment, construction or rehabilitation of any
46 structure or improvement of commercial, industrial or public

1 structures or improvements within an area of land whereon a municipal
2 solid waste landfill is or has been located pursuant to section 3 of
3 P.L.1996, c.124 (C.13:1E-116.3), and the State agrees that the
4 developer shall be eligible for the reimbursement of 75% of the costs
5 of closure and remediation of the municipal solid waste landfill from
6 the fund established pursuant to section 6 of P.L.1996, c.124
7 (C.13:1E-116.6) as authorized pursuant to section 4 of P.L.1996,
8 c.124 (C.13:1E-116.4).

9 "Remediation" or "remediate" means all necessary actions to
10 investigate and clean up any known, suspected, or threatened
11 discharge of contaminants, including, as necessary, the preliminary
12 assessment, site investigation, remedial investigation, and remedial
13 action, as those terms are defined in section 23 of P.L.1993, c.139
14 (C.58:10B-1).

15 (cf: P.L.1996, c.124, s.2)

16
17 2. This act shall take effect immediately.

18
19
20 STATEMENT

21
22 This bill would revise the "Municipal Landfill Site Closure,
23 Remediation and Redevelopment Act," P.L.1996, c.124 (C.13:1E-
24 116.1 et seq.) to include any redevelopment project to be undertaken
25 by a developer within a rural Pinelands municipality on an area of land
26 upon which a Pinelands municipal landfill is or has been located. A
27 redevelopment project of this nature must be consistent with the
28 recommendations of the pilot program for rural economic development
29 developed by the Pinelands Commission pursuant to section 2 of
30 P.L.1997, c.233 (C.13:18A-57).

31 The "Municipal Landfill Site Closure, Remediation and
32 Redevelopment Act" provides for the remediation and redevelopment
33 of municipal solid waste landfill sites under the terms and conditions
34 of a redevelopment agreement negotiated by a developer and the State.
35 Under a redevelopment agreement, an eligible developer who closes
36 and remediates the site of a former municipal solid waste landfill
37 would be eligible for reimbursement of 75 percent of the costs of
38 closure and remediation of the municipal solid waste landfill after the
39 site is redeveloped, from payments derived from one-half of the sales
40 tax collected on non-exempt sales generated from any business located
41 on the site.

42 A "Pinelands municipal landfill" is a municipal solid waste landfill
43 that is located in a rural municipality within a non-growth region in the
44 Pinelands area, which has participated in the pilot program for rural
45 economic development developed by the Pinelands Commission
46 pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57). A "Pinelands

S1118 CAFIERO

5

1 municipal landfill" would be considered a "municipal solid waste
2 landfill" for the purposes of P.L.1996, c.124 regardless of the date the
3 landfill ceased operations.

4 Under this bill, a proposed redevelopment project in the Pinelands
5 area would be eligible for funding under the "Municipal Landfill Site
6 Closure, Remediation and Redevelopment Act" provided that the
7 municipality within which the Pinelands municipal landfill is located
8 has participated in the Pinelands Rural Economic Development Pilot
9 Program and the redevelopment project is consistent with the
10 recommendations of the pilot program for rural economic development
11 developed by the Pinelands Commission and its report thereon
12 submitted to the Governor and the Legislature pursuant to section 3
13 of P.L.1997, c.233 (C.13:18A-58).

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1118
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: APRIL 4, 2001

SUMMARY

Synopsis: Amends "Municipal Landfill Site Closure, Remediation and Redevelopment Act" to include certain Pinelands municipal landfills.

Type of Impact: Gain in State sales tax and municipal property tax revenues.

Agencies Affected: Pinelands municipalities; Pinelands Commission; Department of the Treasury.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	None	Indeterminate Increase	Indeterminate Increase
Local Revenue	None	Indeterminate Increase	Indeterminate Increase

- ! The bill amends section 2 of the "Municipal Landfill Site Closure, Remediation and Redevelopment Act" by permitting municipal landfills located within non-growth areas of the Pinelands to be eligible for redevelopment and tax benefits as provided under the act.
- ! Under the act, a developer who cleans up and redevelops a former municipal landfill site for other commercial purposes may be eligible for reimbursement of 75 percent of incurred site costs after the site is redeveloped.
- ! The act provides that eligible reimbursement costs be derived from one-half of the sales tax revenues collected on non-exempt sales generated from any business located on the site.
- ! The bill requires that any such redevelopment projects in Pinelands area municipalities be consistent with the recommendations of the Pinelands Commission Rural Economic Development Pilot Program.
- ! The Office of Legislative Services (OLS) estimates that State sales tax and local property taxes revenues will be enhanced if the bill is enacted.

BILL DESCRIPTION

Senate Bill No. 1118 of 2000 amends the "Municipal Landfill Site Closure, Remediation and Redevelopment Act," P.L.1996, c.124 to allow Pinelands municipalities to be eligible for redevelopment projects, and special tax benefits provided therein, that are undertaken on land within these municipalities where a municipal landfill is or had been located. Under the bill, a redevelopment project of this nature must be consistent with the recommendations of the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233.

The "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provides for the remediation and redevelopment of municipal solid waste landfill sites under the terms and conditions of a redevelopment agreement negotiated by a developer and the State. Under a redevelopment agreement, an eligible developer who closes and remediates the site of a former municipal solid waste landfill would be eligible for reimbursement of 75 percent of the costs of closure and remediation of the site after it is redeveloped. Reimbursement payments would be derived from one-half of the sales tax collected on non-exempt sales generated from any business located on the site.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that the inclusion of Pinelands area municipalities in the municipal landfill redevelopment program offered under P.L. 1996, c.124 would result in the development of businesses that generate both State sales tax revenues and municipal property tax revenues. The level of potential revenue generation cannot be estimated until such businesses are established, which would be at least one year or more after enactment. Regardless of the tax breaks offered to the developer under the State program, the State Treasury and affected Pinelands municipalities would still realize net gains in tax income from enterprises that otherwise could not be developed under current law.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1118

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Senate Environment Committee reports favorably Senate Bill No. 1118.

This bill would revise the "Municipal Landfill Site Closure, Remediation and Redevelopment Act," P.L.1996, c.124 (C.13:1E-116.1 et seq.) to include any redevelopment project to be undertaken by a developer within a rural Pinelands municipality on an area of land upon which a Pinelands municipal landfill is or has been located. A redevelopment project of this nature must be consistent with the recommendations of the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57).

The "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provides for the remediation and redevelopment of municipal solid waste landfill sites under the terms and conditions of a redevelopment agreement negotiated by a developer and the State. Under a redevelopment agreement, an eligible developer who closes and remediates the site of a former municipal solid waste landfill would be eligible for reimbursement of 75 percent of the costs of closure and remediation of the municipal solid waste landfill after the site is redeveloped, from payments derived from one-half of the sales tax collected on non-exempt sales generated from any business located on the site.

A "Pinelands municipal landfill" is a municipal solid waste landfill that is located in a rural municipality within a non-growth region in the Pinelands area, which has participated in the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57). A "Pinelands municipal landfill" would be considered a "municipal solid waste landfill" for the purposes of P.L.1996, c.124 regardless of the date the landfill ceased operations.

Under this bill, a proposed redevelopment project in the Pinelands area would be eligible for funding under the "Municipal Landfill Site Closure, Remediation and Redevelopment Act" provided that the municipality within which the Pinelands municipal landfill is located has participated in the Pinelands Rural Economic Development Pilot Program and the redevelopment project is consistent with the recommendations of the pilot program for rural economic development

developed by the Pinelands Commission and its report thereon submitted to the Governor and the Legislature pursuant to section 3 of P.L.1997, c.233 (C.13:18A-58).

This bill is identical to Assembly Bill No. 659 which was also released by the committee.

P.L. 2001, CHAPTER 311, *approved January 3, 2002*
Assembly, No. 659

1 AN ACT concerning Pinelands municipal landfill site closure and
2 redevelopment, and amending P.L.1996, c.124.

3

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

6

7 1. Section 2 of P.L.1996, c.124 (C.13:1E-116.2) is amended to
8 read as follows:

9 2. As used in this act:

10 "Closure" means all activities associated with the design, purchase,
11 construction or maintenance of all measures required by the
12 department, pursuant to law, in order to prevent, minimize or monitor
13 pollution or health hazards resulting from municipal solid waste
14 landfills subsequent to the termination of operations at any portion
15 thereof, including, but not necessarily limited to, the placement of final
16 earthen or vegetative cover, the installation of methane gas vents or
17 monitors and leachate monitoring wells or collection systems, and
18 long-term operations and maintenance, at the site of any municipal
19 solid waste landfill that is not listed on the National Priorities List
20 pursuant to the "Comprehensive Environmental Response,
21 Compensation, and Liability Act of 1980," 42 U.S.C. 9605.

22 "Closure and remediation costs" means all reasonable costs
23 associated with the closure and remediation of a municipal solid waste
24 landfill except that "closure and remediation costs" shall not include
25 any costs incurred in financing the closure or remediation.

26 "Commercial solid waste" means any nonhazardous solid waste
27 derived from wholesale, retail or service establishments, including
28 stores, markets, theaters, offices, restaurants, warehouses, or from
29 other non-manufacturing commercial activities.

30 "Developer" means any person that enters or proposes to enter into
31 a redevelopment agreement with the State pursuant to the provisions
32 of section 3 of P.L.1996, c.124 (C.13:1E-116.3).

33 "Director" means the Director of the Division of Taxation in the
34 Department of the Treasury.

35 "Household solid waste" means any solid waste derived from
36 households, including but not limited to single and multiple residences,
37 hotels and motels, bunkhouses, ranger stations, crew quarters,
38 campgrounds, picnic grounds and day use recreation areas, except that
39 "household solid waste" shall not include septic waste as defined in
40 section 3 of P.L.1970, c.40 (C.48:13A-3).

41 "Industrial solid waste" means any solid waste derived from
42 manufacturing, industrial and research and development processes and

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

Matter underlined thus is new matter.

1 operations that is not a hazardous waste as defined in section 1 of
2 P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall
3 not include mining waste, oil waste, gas waste, or cement kiln dust
4 waste.

5 "Municipal solid waste landfill" means a landfill that ceased
6 operations prior to January 1, 1982 and received for disposal
7 household solid waste and at least one of the following: (1)
8 commercial solid waste; (2) industrial solid waste; or (3) waste
9 material that was received for disposal prior to October 21, 1976 and
10 that is included within the definition of hazardous waste adopted by
11 the federal government pursuant to the "Resource Conservation and
12 Recovery Act," 42 U.S.C. 6921 et seq. [; except that] A "municipal
13 solid waste landfill" shall not include any landfill that is approved for
14 disposal of hazardous waste and regulated pursuant to Subchapter III
15 of the "Resource Conservation and Recovery Act," 42 U.S.C. 6921
16 et seq. A "municipal solid waste landfill" shall include any "Pinelands
17 municipal landfill" regardless of the date the landfill ceased operations.

18 "Pinelands municipal landfill" means a municipal solid waste landfill
19 that is located in a rural municipality within a non-growth area in the
20 Pinelands area as defined in section 3 of P.L.1979, c.111 (C.13:18A-3)
21 and the rural Pinelands municipality within which the landfill is located
22 has participated in the pilot program for rural economic development
23 developed by the Pinelands Commission pursuant to section 2 of
24 P.L.1997, c.233 (C.13:18A-57).

25 "Project" or "redevelopment project" means a specific work or
26 improvement, including lands, buildings, improvements, real and
27 personal property or any interest therein, including lands under water,
28 riparian rights, space rights and air rights, acquired, owned, developed
29 or redeveloped, constructed, reconstructed, rehabilitated or improved,
30 undertaken by a developer within an area of land whereon a municipal
31 solid waste landfill is or has been located, under a redevelopment
32 agreement with the State pursuant to section 3 of P.L.1996, c.124
33 (C.13:1E-116.3). Any redevelopment project to be undertaken by a
34 developer within an area of land whereon a Pinelands municipal
35 landfill is or has been located shall be consistent with the
36 recommendations of the pilot program for rural economic development
37 developed by the Pinelands Commission pursuant to section 2 of
38 P.L.1997, c.233 (C.13:18A-57) and the report thereon submitted to
39 the Governor and the Legislature pursuant to section 3 of P.L.1997,
40 c.233 (C.13:18A-58).

41 "Redevelopment agreement" means an agreement between the State
42 and a developer under which the developer agrees to perform any
43 work or undertaking necessary for the environmentally sound and
44 proper closure and remediation of the municipal solid waste landfill
45 located at the site of the redevelopment project, and for the clearance,
46 development or redevelopment, construction or rehabilitation of any

1 structure or improvement of commercial, industrial or public
2 structures or improvements within an area of land whereon a municipal
3 solid waste landfill is or has been located pursuant to section 3 of
4 P.L.1996, c.124 (C.13:1E-116.3), and the State agrees that the
5 developer shall be eligible for the reimbursement of 75% of the costs
6 of closure and remediation of the municipal solid waste landfill from
7 the fund established pursuant to section 6 of P.L.1996, c.124
8 (C.13:1E-116.6) as authorized pursuant to section 4 of P.L.1996,
9 c.124 (C.13:1E-116.4).

10 "Remediation" or "remediate" means all necessary actions to
11 investigate and clean up any known, suspected, or threatened
12 discharge of contaminants, including, as necessary, the preliminary
13 assessment, site investigation, remedial investigation, and remedial
14 action, as those terms are defined in section 23 of P.L.1993, c.139
15 (C.58:10B-1).

16 (cf: P.L.1996, c.124, s.2)

17

18 2. This act shall take effect immediately.

19

20

21

22

23 Amends "Municipal Landfill Site Closure, Remediation and
24 Redevelopment Act" to include certain Pinelands municipal landfills.

CHAPTER 311

AN ACT concerning Pinelands municipal landfill site closure and redevelopment, and amending P.L.1996, c.124.

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

1. Section 2 of P.L.1996, c.124 (C.13:1E-116.2) is amended to read as follows:

C.13:1E-116.2 Definitions regarding municipal landfill sites.

2. As used in this act:

"Closure" means all activities associated with the design, purchase, construction or maintenance of all measures required by the department, pursuant to law, in order to prevent, minimize or monitor pollution or health hazards resulting from municipal solid waste landfills subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the placement of final earthen or vegetative cover, the installation of methane gas vents or monitors and leachate monitoring wells or collection systems, and long-term operations and maintenance, at the site of any municipal solid waste landfill that is not listed on the National Priorities List pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. s.9605.

"Closure and remediation costs" means all reasonable costs associated with the closure and remediation of a municipal solid waste landfill except that "closure and remediation costs" shall not include any costs incurred in financing the closure or remediation.

"Commercial solid waste" means any nonhazardous solid waste derived from wholesale, retail or service establishments, including stores, markets, theaters, offices, restaurants, warehouses, or from other non-manufacturing commercial activities.

"Developer" means any person that enters or proposes to enter into a redevelopment agreement with the State pursuant to the provisions of section 3 of P.L.1996, c.124 (C.13:1E-116.3).

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"Household solid waste" means any solid waste derived from households, including but not limited to single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas, except that "household solid waste" shall not include septic waste as defined in section 3 of P.L.1970, c.40 (C.48:13A-3).

"Industrial solid waste" means any solid waste derived from manufacturing, industrial and research and development processes and operations that is not a hazardous waste as defined in section 1 of P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall not include mining waste, oil waste, gas waste, or cement kiln dust waste.

"Municipal solid waste landfill" means a landfill that ceased operations prior to January 1, 1982 and received for disposal household solid waste and at least one of the following: (1) commercial solid waste; (2) industrial solid waste; or (3) waste material that was received for disposal prior to October 21, 1976 and that is included within the definition of hazardous waste adopted by the federal government pursuant to the "Resource Conservation and Recovery Act," 42 U.S.C. s.6921 et seq. A "municipal solid waste landfill" shall not include any landfill that is approved for disposal of hazardous waste and regulated pursuant to Subchapter III of the "Resource Conservation and Recovery Act," 42 U.S.C. s.6921 et seq. A "municipal solid waste landfill" shall include any "Pinelands municipal landfill" regardless of the date the landfill ceased operations.

"Pinelands municipal landfill" means a municipal solid waste landfill that is located in a rural municipality within a non-growth area in the Pinelands area as defined in section 3 of P.L.1979, c.111 (C.13:18A-3) and the rural Pinelands municipality within which the landfill is located has participated in the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57).

"Project" or "redevelopment project" means a specific work or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer within an area of land whereon a municipal solid waste landfill is or has been located, under a redevelopment

agreement with the State pursuant to section 3 of P.L.1996, c.124 (C.13:1E-116.3). Any redevelopment project to be undertaken by a developer within an area of land whereon a Pinelands municipal landfill is or has been located shall be consistent with the recommendations of the pilot program for rural economic development developed by the Pinelands Commission pursuant to section 2 of P.L.1997, c.233 (C.13:18A-57) and the report thereon submitted to the Governor and the Legislature pursuant to section 3 of P.L.1997, c.233 (C.13:18A-58).

"Redevelopment agreement" means an agreement between the State and a developer under which the developer agrees to perform any work or undertaking necessary for the environmentally sound and proper closure and remediation of the municipal solid waste landfill located at the site of the redevelopment project, and for the clearance, development or redevelopment, construction or rehabilitation of any structure or improvement of commercial, industrial or public structures or improvements within an area of land whereon a municipal solid waste landfill is or has been located pursuant to section 3 of P.L.1996, c.124 (C.13:1E-116.3), and the State agrees that the developer shall be eligible for the reimbursement of 75% of the costs of closure and remediation of the municipal solid waste landfill from the fund established pursuant to section 6 of P.L.1996, c.124 (C.13:1E-116.6) as authorized pursuant to section 4 of P.L.1996, c.124 (C.13:1E-116.4).

"Remediation" or "remediate" means all necessary actions to investigate and clean up any known, suspected, or threatened discharge of contaminants, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action, as those terms are defined in section 23 of P.L.1993, c.139 (C.58:10B-1).

2. This act shall take effect immediately.

Approved January 3, 2002.