

13:1E-9 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-9 et al (Solid waste collection and disposal--allow Department of Environmental Protection to assess penalties for violations)

LAWS OF: 1985 **CHAPTER:** 483

BILL NO: A2577

Sponsor(s): Marsella

Date Introduced: September 20, 1984

Committee: Assembly: County Government and Regional Authorities
Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** January 28, 1985
Senate: December 12, 1985

Date of Approval: January 17, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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1-17-86

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ASSEMBLY, No. 2577**STATE OF NEW JERSEY**

INTRODUCED SEPTEMBER 20, 1984

By Assemblyman MARSELLA

AN ACT concerning penalties for the violation of rules and regulations governing the collection and disposal of solid waste, amending P. L. 1970, c. 39, and repealing section 10 thereof.

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

1 1. Section 9 of P. L. 1970, c. 39 (C. 13:1E-9) is amended to
2 read as follows:

3 ***[**9. a. All codes, rules and regulations adopted by the depart-
4 ment related to solid waste collection and disposal shall have the
5 force and effect of law. Such codes, rules and regulations shall be ob-
6 served throughout the State and shall be enforced by the depart-
7 ment and by every local board of health, or county health depart-
8 ment, as the case may be.

9 The department and the local board of health, or the county
10 health department, as the case may be, shall have the right to enter
11 a solid waste facility at any time in order to determine compliance
12 with the registration statement and engineering design, and with
13 the provisions of all applicable laws or rules and regulations
14 adopted pursuant thereto.

15 The municipal attorney or an attorney retained by a municipality
16 in which a violation of such laws or rules and regulations adopted
17 pursuant thereto is alleged to have occurred shall act as counsel to
18 a local board of health.

19 The county counsel or an attorney retained by a county in which
20 a violation of such laws or rules and regulations adopted pursuant
21 thereto is alleged to have occurred shall act as counsel to the county
22 health department.

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted October 22, 1984.

**—Senate committee amendments adopted December 5, 1985.

23 Any county health department may charge and collect from the
 24 owner or operator of any sanitary landfill facility within its juris-
 25 diction such fees for enforcement activities as may be established
 26 by ordinance or resolution adopted by the governing body of any
 27 such county. Such fees shall be established in accordance with a
 28 fee schedule regulation to be adopted by the department, pursuant
 29 to law, within 60 days of the effective date of this amendatory act
 30 and shall be utilized exclusively to fund such enforcement activities.

31 All enforcement activities undertaken by county health depart-
 32 ments pursuant to this subsection shall conform to all applicable
 33 performance and administrative standards adopted pursuant to
 34 section 10 of the "County Environment Health Act," P. L. 1977,
 35 c. 443 (C. 26:3A2-28).

36 *b. Whenever the commissioner finds that a person has violated*
 37 *any provision of P. L. 1970, c. 39 (C. 13:1E-1 et seq.), or any rule*
 38 *or regulation adopted, permit issued, or solid waste management*
 39 *plan adopted pursuant to P. L. 1970, c. 39 he shall:*

40 *(1) Issue an order requiring the person found to be in violation*
 41 *to comply in accordance with subsection c. of this section;*

42 *(2) Bring a civil action in accordance with subsection d. of this*
 43 *section;*

44 *(3) Levy a civil administrative penalty in accordance with sub-*
 45 *section e. of this section; or*

46 *(4) Bring an action for a civil penalty in accordance with sub-*
 47 *section f. of this section;*

48 *(5) Petition the Attorney General to bring a criminal action in*
 49 *accordance with subsection g. of this section.*

50 *Pursuit of any of the remedies specified under this section shall*
 51 *not preclude the seeking of any other remedy specified.*

52 *c. Whenever the commissioner finds that a person has violated*
 53 *any provision of P. L. 1970, c. 39, or any rule or regulation adopted,*
 54 *permit issued, or solid waste management plan adopted pursuant*
 55 *to P. L. 1970, c. 39 he may issue an order specifying the provision*
 56 *or provisions of P. L. 1970, c. 39, or the rule, regulation *~~or~~*,**
 57 *permit *or solid waste management plan* of which the person is in*
 58 *violation citing the action which constituted the violation, ordering*
 59 *abatement of the violation, and giving notice to the person of his*
 60 *right to a hearing on the matters contained in the order. *The*
 60A *ordered party shall have 20 days from receipt of the order within*
 60B *which to deliver to the commissioner a written request for a hear-*
 60C *ing. After the hearing and upon finding that a violation has*
 60D *occurred, the commissioner may issue a final order. If no hearing*
 60E *is requested, then the order shall become final after the expiration*

60F of the 20-day period. A request for hearing shall not automatically
60G stay the effect of the order.*

61 [b.] d. The commissioner, a local board of health or county health
62 department may institute an action or proceeding in the *Law Divi-*
63 *sion of Superior Court* for injunctive and other relief, including
64 the appointment of a receiver for any solid waste collection or dis-
65 posal facility or operation, which is established or operated in viola-
66 tion of this act, or of any code, rule or regulation promulgated,
67 *permit issued or solid waste management plan adopted*, pursuant
68 to this act and said court may proceed in the action in a summary
69 manner. In any such proceeding the court may grant temporary
70 or interlocutory relief notwithstanding the provisions of R. S.
71 48:2-24.

72 Such relief may include, singly or in combination :

73 (1) A temporary or permanent injunction;

74 (2) Assessment of the violator for the costs of any investigation,
75 inspection, or monitoring survey which led to the establishment of
76 the violation, and for the reasonable costs of preparing and liti-
77 gating the case under this subsection;

78 (3) Assessment of the violator for any cost incurred by the State
79 in removing, correcting or terminating the adverse effects upon
80 water and air quality resulting from any violation of any provision
81 of this act or any rule, regulation or condition of approval for
82 which the action under this subsection may have been brought;

83 (4) Assessment against the violator of compensatory damages
84 for any loss or destruction of wildlife, fish or aquatic life, and for
85 any other actual damages caused by any violation of this act or any
86 rule, regulation or condition of approval established pursuant
87 to this act for which the action under this subsection may have
88 been brought. Assessments under this subsection shall be paid to
89 the State Treasurer, or to the local board of health, or to the county
90 health department, as the case may be, except that compensatory
91 damages may be paid by specific order of the court to any persons
92 who have been aggrieved by the violation.

93 If a proceeding is instituted by a local board of health or county
94 health department, notice thereof shall be served upon the
95 commissioner in the same manner as if the commissioner were a
96 named party to the action or proceeding. The department may
97 intervene as a matter of right in any proceeding brought by a local
98 board of health or county health department.

99 e. The commissioner is authorized to assess a civil penalty of not
100 more than \$25,000.00 for each violation and additional penalties of
101 not more than \$2,500.00 for each day during which the violation con-

102 *tinues after receipt of an order from the department. No assess-*
 103 *ment shall be levied pursuant to this section until after the violator*
 104 *has been notified by certified mail or personal service. The notice*
 105 *shall include a reference to the section of the statute, rule, regula-*
 106 *tion, order, permit condition or solid waste management plan vio-*
 107 *lated, a concise statement of the facts alleged to constitute a viola-*
 108 *tion, a statement of the amount of the civil penalties to be imposed,*
 109 *and a statement of the party's right to a hearing. The ordered*
 110 *party shall have 20 calendar days from receipt of the notice within*
 111 *which to deliver to the commissioner a written request for a hear-*
 112 *ing. After the hearing and upon finding that a violation has oc-*
 113 *curred, the commissioner may issue a final order after assessing*
 114 *the amount of the fine specified in the notice. If no hearing is *re-*
 115 *quired* *requested*, the notice shall become a final order after*
 116 *the expiration of the 20-day period. Payment of the assessment is*
 117 *due when a final order is issued or the notice becomes a final order.*
 118 *The authority to levy a civil administrative penalty is in addition*
 119 *to all other enforcement provisions in *this section, or* P. L.*
 120 *1970, c. 39, and the payment of any assessment shall not be deemed*
 121 *to affect the availability of any other enforcement provisions in*
 122 *connection with the violation for which the assessment is levied.*
 123 *The department may compromise any civil penalty assessed under*
 124 *this section in an amount the department determines appropriate.*

125 **[c.] f.** Any person who violates the provisions of this act or any
 126 code, rule or regulation promulgated pursuant to this act shall be
 127 liable to a penalty of not more than \$25,000.00 per day to be collected
 128 in a civil action commenced by a local board of health, a county
 129 health department, or the commissioner **[**by a summary proceed-
 130 ing under "the penalty enforcement law" (N. J. S. 2A :58-1 et seq.)
 131 in the Superior Court, county district court, or a municipal court,
 132 all of which shall have jurisdiction to enforce the "penalty enforce-
 133 ment law" in connection with this act**]**.

134 *Any person who violates an administrative order issued pursuant*
 135 *to subsection c. of this section, or a court order issued pursuant to*
 136 *subsection d. of this section, or who fails to pay an administrative*
 137 *assessment in full pursuant to subsection e. of this section is sub-*
 138 *ject upon order of a court to a civil penalty not to exceed*
 139 **\$25,000.00* *\$50,000.00* per day of such violation. **[**If the*
 140 *violation is of a continuing nature, each day during which it con-*
 141 *tinues after the date given by which the violation must be eliminated*
 142 *in accordance with the order of the department shall constitute an*
 143 *additional, separate and distinct offense.*

144 d. The department is hereby authorized and empowered to com-

145 promise and settle any claim for a penalty under this section in such
 146 amount in the discretion of the department as may appear appro-
 147 priate and equitable under all of the circumstances, including a
 148 rebate of any such penalty paid up to 90% thereof where such
 149 person satisfies the department within one year or such other
 150 period as the department may deem reasonable that such violation
 151 has been eliminated or removed or that such order or injunction
 152 has been met or satisfied, as the case may be.】 **Each day during*
 152A *which the violation continues constitutes an additional, separate*
 152B *and distinct offense. Any penalty incurred under this subsection*
 152C *may be recovered with costs in a summary proceeding pursuant to*
 152D *“the penalty enforcement law” (N. J. S. 2A:58-1 et seq.). The*
 152E *Law Division of the Superior Court and the municipal court shall*
 152F *have jurisdiction to enforce the provisions of “the penalty enforce-*
 152G *ment law” in connection with this act.**

153 【e.】 *g.* Any person who knowingly:

154 (1) Transports any hazardous waste to a facility or any other
 155 place which does not have authorization from the department to
 156 accept such waste;

157 (2) Generates and causes or permits to be transported any
 158 hazardous waste to a facility or any other place which does not have
 159 authorization from the department to accept such waste;

160 (3) Disposes, treats, stores or transports hazardous waste with-
 161 out authorization from the department;

162 (4) Makes any false or misleading statement to any person who
 163 prepares any hazardous waste application, label, manifest, record,
 164 report, design or other document required to be submitted to the
 165 department; or

166 (5) Makes any false or misleading statement on any hazardous
 167 waste application, label, manifest, record, report, design or other
 168 document required to be submitted to the department shall, upon
 169 conviction, be guilty of a crime of the third degree and, notwith-
 170 standing the provisions of N. J. S. 2C:43-3, shall be subject to a
 171 fine of not more than \$25,000.00 for the first offense and not more
 172 than \$50,000.00 for the second and each subsequent offense and
 173 restitution, in addition to any other appropriate disposition au-
 174 thorized by subsection b. of N. J. S. 2C:43-2.

175 【f.】 *h.* Any person who recklessly:

176 (1) Transports any hazardous waste to a facility or any other
 177 place which does not have authorization from the department to
 178 accept such waste;

179 (2) Generates and causes or permits to be transported any haz-

180 arduous waste to a facility or any other place which does not have
181 authorization from the department to accept such waste;

182 (3) Disposes, treats, stores or transports hazardous waste with-
183 out authorization from the department;

184 (4) Makes any false or misleading statement to any person who
185 prepares any hazardous waste application, label, manifest, record,
186 report, design or other document required to be submitted to the
187 department; or

188 (5) Makes any false or misleading statement on any hazardous
189 waste application, label, manifest, record, report, design or other
190 document required to be submitted to the department, shall, upon
191 conviction, be guilty of a crime of the fourth degree.

192 [g.] i. Any person who, regardless of intent, generates and
193 causes or permits any hazardous waste to be transported, trans-
194 ports, or receives transported hazardous waste without completing
195 and submitting to the department a hazardous waste manifest in
196 accordance with the provisions of this act or any rule or regulation
197 adopted pursuant hereto shall, upon conviction, be guilty of a crime
198 of the fourth degree.]**

199 **9. a. All codes, rules and regulations adopted by the department
200 related to solid waste collection and disposal shall have the force
201 and effect of law. Such codes, rules and regulations shall be ob-
202 served throughout the State and shall be enforced by the depart-
203 ment and by every local board of health, or county health depart-
204 ment, as the case may be.

205 The department and the local board of health, or the county
206 health department, as the case may be, shall have the right to enter
207 a solid waste facility at any time in order to determine compliance
208 with the registration statement and engineering design, and with
209 the provisions of all applicable laws or rules and regulations
210 adopted pursuant thereto.

211 The municipal attorney or an attorney retained by a municipality
212 in which a violation of such laws or rules and regulations adopted
213 pursuant thereto is alleged to have occurred shall act as counsel to
214 a local board of health.

215 The county counsel or an attorney retained by a county in which
216 a violation of such laws or rules and regulations adopted pursuant
217 thereto is alleged to have occurred shall act as counsel to the county
218 health department.

219 Any county health department may charge and collect from the
220 owner or operator of any sanitary landfill facility within its juris-
221 diction such fees for enforcement activities as may be established
222 by ordinance or resolution adopted by the governing body of any

223 such county. Such fees shall be established in accordance with a
 224 fee schedule regulation to be adopted by the department, pursuant
 225 to law, within 60 days of the effective date of this amendatory act
 226 and shall be utilized exclusively to fund such enforcement activities.

227 All enforcement activities undertaken by county health depart-
 228 ments pursuant to this subsection shall conform to all applicable
 229 performance and administrative standards adopted pursuant to
 230 section 10 of the "County Environment Health Act," P. L. 1977,
 231 c. 443 (C. 26:3A2-28).

232 *b. Whenever the commissioner finds that a person has violated*
 233 *any provision of P. L. 1970, c. 39 (C. 13:1 et seq.), or any rule*
 234 *or regulation adopted, permit issued, or solid waste management*
 235 *plan adopted pursuant to P. L. 1970, c. 39, he shall:*

236 *(1) Issue an order requiring the person found to be in violation*
 237 *to comply in accordance with subsection c. of this section;*

238 *(2) Bring a civil action in accordance with subsection d. of this*
 239 *section;*

240 *(3) Levy a civil administrative penalty in accordance with sub-*
 241 *section e. of this section;*

242 *(4) Bring an action for a civil penalty in accordance with sub-*
 243 *section f. of this section; or*

244 *(5) Petition the Attorney General to bring a criminal action in*
 245 *accordance with subsection g. of this section.*

246 *Pursuit of any of the remedies specified under this section shall*
 247 *not preclude the seeking of any other remedy specified.*

248 *c. Whenever the commissioner finds that a person has violated*
 249 *any provision of P. L. 1970, c. 39, or any rule or regulation adopted,*
 250 *permit issued, or solid waste management plan adopted pursuant*
 251 *to P. L. 1970, c. 39, he may issue an order specifying the provision*
 252 *or provisions of P. L. 1970, c. 39, or the rule, regulation, per-*
 253 *mit or solid waste management plan of which the person is in*
 254 *violation citing the action which constituted the violation, ordering*
 255 *abatement of the violation, and giving notice to the person of his*
 256 *right to a hearing on the matters contained in the order. The*
 257 *ordered party shall have 20 days from receipt of the order within*
 258 *which to deliver to the commissioner a written request for a hear-*
 259 *ing. After the hearing and upon finding that a violation has*
 260 *occurred, the commissioner may issue a final order. If no hearing*
 261 *is requested, then the order shall become final after the expiration*
 262 *of the 20-day period. A request for hearing shall not automatically*
 263 *stay the effect of the order.*

264 **[b.]** *d. The commissioner, a local board of health or county*
 265 *health department may institute an action or proceeding in the Su-*

266 perior Court for injunctive and other relief, including the appoint-
 267 ment of a receiver, for any [solid waste collection or disposal facility
 268 or operation, which is established or operated in] violation of this
 269 act, or of any code, rule or regulation promulgated, *permit issued*
 270 *or solid waste management plan adopted*, pursuant to this act
 271 and said court may proceed in the action in a summary manner.
 272 In any such proceeding the court may grant temporary or inter-
 273 locutory relief, notwithstanding the provisions of R. S. 48:2-24.

274 Such relief may include, singly or in combination:

275 (1) A temporary or permanent injunction;

276 (2) Assessment of the violator for the costs of any investigation,
 277 inspection, or monitoring survey which led to the establishment of
 278 the violation, and for the reasonable costs of preparing and liti-
 279 gating the case under this subsection;

280 (3) Assessment of the violator for any cost incurred by the State
 281 in removing, correcting or terminating the adverse effects upon
 282 water and air quality resulting from any violation of any provision
 283 of this act or any rule, regulation or condition of approval for
 284 which the action under this subsection may have been brought;

285 (4) Assessment against the violator of compensatory damages
 286 for any loss or destruction of wildlife, fish or aquatic life, and for
 287 any other actual damages caused by any violation of this act or any
 288 rule, regulation or condition of approval established pursuant
 289 to this act for which the action under this subsection may have
 290 been brought. Assessments under this subsection shall be paid to
 291 the State Treasurer, or to the local board of health, or to the county
 292 health department, as the case may be, except that compensatory
 293 damages may be paid by specific order of the court to any persons
 294 who have been aggrieved by the violation.

295 If a proceeding is instituted by a local board of health or county
 296 health department, notice thereof shall be served upon the com-
 297 missioner in the same manner as if the commissioner were a named
 298 party to the action or proceeding. The department may intervene
 299 as a matter of right in any proceeding brought by a local board of
 300 health or county health department.

301 *e. The commissioner is authorized to assess a civil administrative*
 302 *penalty of not more than \$25,000.00 for each violation and addi-*
 303 *tional penalties of not more than \$2,500.00 for each day during*
 304 *which the violation continues after receipt of an order from the*
 305 *department. No assessment shall be levied pursuant to this section*
 306 *until after the violator has been notified by certified mail or per-*
 307 *sonal service. The notice shall include a reference to the section*
 308 *of the statute, rule, regulation, order, permit condition or solid*

309 *waste management plan violated, a concise statement of the facts*
 310 *alleged to constitute a violation, a statement of the amount of the*
 311 *civil administrative penalties to be imposed, and a statement of the*
 312 *party's right to a hearing. The ordered party shall have 20 calendar*
 313 *days from receipt of the notice within which to deliver to the com-*
 314 *missioner a written request for a hearing. After the hearing and*
 315 *upon finding that a violation has occurred, the commissioner may*
 316 *issue a final order after assessing the amount of the fine specified*
 317 *in the notice. If no hearing is requested, the notice shall become a*
 318 *final order after the expiration of the 20-day period. Payment of*
 319 *the assessment is due when a final order is issued or the notice be-*
 320 *comes a final order. The authority to levy a civil administrative*
 321 *penalty is in addition to all other enforcement provisions in P. L.*
 322 *1970, c.39, and the payment of any assessment shall not be deemed*
 323 *to affect the availability of any other enforcement provisions in*
 324 *connection with the violation for which the assessment is levied.*
 325 *The department may compromise any civil administrative penalty*
 326 *assessed under this section in an amount the department deter-*
 327 *mines appropriate.*

328 **[c.]** *f.* Any person who violates the provisions of this act or any
 329 code, rule or regulation promulgated pursuant to this act shall be
 330 liable to a penalty of not more than \$25,000.00 per day, to be col-
 331 lected in a civil action commenced by a local board of health, a
 332 county health department, or the commissioner **[**by a summary
 333 proceeding under "the penalty enforcement law" (N. J. S. 2A:58-1
 334 et seq.) in the Superior Court or a municipal court, all of which
 335 shall have jurisdiction to enforce the "penalty enforcement law"
 336 in connection with this act**]**.

337 *Any person who violates an administrative order issued pursuant*
 338 *to subsection c. of this section, or a court order issued pursuant to*
 339 *subsection d. of this section, or who fails to pay an administrative*
 340 *assessment in full pursuant to subsection e. of this section is sub-*
 341 *ject upon order of a court to a civil penalty not to exceed \$50,000.00*
 342 *per day of such violation.*

343 **[**If the violation is of a continuing nature, each day during which
 344 it continues after the date given by which the violation must be
 345 eliminated in accordance with the order of the department shall
 346 constitute an additional, separate and distinct offense.
 347

348 **d.** The department is hereby authorized and empowered to com-
 349 promise and settle any claim for a penalty under this section in such
 350 amount in the discretion of the department as may appear appro-
 351 priate and equitable under all of the circumstances, including a
 rebate of any such penalty paid up to 90% thereof where such

352 person satisfies the department within one year or such other period
 353 as the department may deem reasonable that such violation has
 354 been eliminated or removed or that such order or injunction has
 355 been met or satisfied, as the case may be.】

356 *Each day during which the violation continues constitutes an*
 357 *additional, separate and distinct offense. Any penalty imposed*
 358 *pursuant to this subsection may be collected with costs in a sum-*
 359 *mary proceeding pursuant to "the penalty enforcement law" (N. J.*
 360 *S. 2A:58-1 et seq). The Law Division of the Superior Court and*
 361 *the municipal court shall have jurisdiction to enforce the pro-*
 362 *visions of "the penalty enforcement law" in connection with this*
 363 *act.*

364 **[e.] g.** Any person who knowingly :

365 (1) Transports any hazardous waste to a facility or any other
 366 place which does not have authorization from the department to
 367 accept such waste ;

368 (2) Generates and causes or permits to be transported any haz-
 369 ardous waste to a facility or any other place which does not have
 370 authorization from the department to accept such waste ;

371 (3) Disposes, treats, stores or transports hazardous waste with-
 372 out authorization from the department ;

373 (4) Makes any false or misleading statement to any person who
 374 prepares any hazardous waste application, label, manifest, record,
 375 report, design or other document required to be submitted to the
 376 department ; or

377 (5) Makes any false or misleading statement on any hazardous
 378 waste application, label, manifest, record, report, design or other
 379 document required to be submitted to the department shall, upon
 380 conviction, be guilty of a crime of the third degree and, notwith-
 381 standing the provisions of N. J. S. 2C:43-3, shall be subject to a
 382 fine of not more than \$25,000.00 for the first offense and not more
 383 than \$50,000.00 for the second and each subsequent offense and
 384 restitution, in addition to any other appropriate disposition autho-
 385 rized by subsection b. of N. J. S. 2C:43-2.

386 **[f.] h.** Any person who recklessly :

387 (1) Transports any hazardous waste to a facility or any other
 388 place which does not have authorization from the department to
 389 accept such waste ;

390 (2) Generates and causes or permits to be transported any haz-
 391 ardous waste to a facility or any other place which does not have
 392 authorization from the department to accept such waste ;

393 (3) Disposes, treats, stores or transports hazardous waste with-
 394 out authorization from the department ;

395 (4) Makes any false or misleading statement to any person who
 396 prepares any hazardous waste application, label, manifest, record,
 397 report, design or other document required to be submitted to the
 398 department; or

399 (5) Makes any false or misleading statement on any hazardous
 400 waste application, label, manifest, record, report, design or other
 401 document required to be submitted to the department, shall, upon
 402 conviction, be guilty of a crime of the fourth degree.

403 **[g.] i.** Any person who, regardless of intent, generates and causes
 404 or permits any hazardous waste to be transported, transports, or
 405 receives transported hazardous waste without completing and sub-
 406 mitting to the department a hazardous waste manifest in accordance
 407 with the provisions of this act or any rule or regulation adopted
 408 pursuant hereto shall, upon conviction, be guilty of a crime of the
 409 fourth degree.

410 **[h.] j.** All conveyances used or intended for use in the willful dis-
 411 charge, in violation of the provisions of P. L. 1970, c. 39 C. 13:1E-1
 412 et seq.), of any solid waste, or hazardous waste as defined in P. L.
 413 1976, c. 99 (C. 13:1E-38 et seq.) are subject to forfeiture to the
 414 State pursuant to the provisions of P. L. 1981, c. 387 (C. 13:1K-1
 415 et seq.).

416 **[i.] k.** The provisions of N. J. S. 2C:1-6 to the contrary not-
 417 withstanding, a prosecution for a violation of the provisions of
 418 subsection **[e.] g.**, subsection **[f.] h.** or subsection **[g.] i.** of this sec-
 419 tion shall be commenced within five years of the date of discovery
 420 of the violation.**

1 2. Section 10 of P. L. 1970, c. 39 (C. 13:1E-10) is repealed.

1 3. This act shall take effect immediately.

193 causes or permits any hazardous waste to be transported, trans-
194 ports, or receives transported hazardous waste without completing
195 and submitting to the department a hazardous waste manifest in
196 accordance with the provisions of this act or any rule or regulation
197 adopted pursuant hereto shall, upon conviction, be guilty of a crime
198 of the fourth degree.

1 2. Section 10 of P. L. 1970, c. 39 (C. 13:1E-10) is repealed.

1 3. This act shall take effect immediately.

STATEMENT

This bill would amend the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.) to provide the Department of Environmental Protection with the authority to assess administrative penalties and thus streamline the process for collecting payments for violations. This bill would conform remedies available under the "Solid Waste Management Act" to those available under the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.). This bill would also provide ordered parties a right to a hearing on the matters contained in the order and would repeal the existing order provisions contained in the "Solid Waste Management Act."

A2577(1985)

ASSEMBLY COUNTY GOVERNMENT AND
REGIONAL AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2577

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 1984

Assembly Bill No. 2577 Aca would amend the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.) to streamline the process for collecting payments for violations of any provision of that act, or of any rule or regulation or solid waste management plan adopted, or permit issued, thereunder.

At present, violators must be pursued through a summary judicial proceeding. The bill would establish a range of administrative remedies, as alternatives to any judicial proceeding, modeled on those available under the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.). In general, the Commissioner of the Department of Environmental Protection would be authorized to issue orders citing any violations and requiring abatement of such violations. In addition, the commissioner would be authorized to assess penalties for certain violations.

The bill would also provide ordered parties with a right to a hearing on the matters contained in an order, and would repeal the existing order provisions contained in section 10 of P. L. 1970, c. 39 (C. 13:1E-10).

The committee amendments clarify the hearing procedures and the procedures for imposing penalties. Other amendments are technical in nature.

The committee reported the bill favorably as amended.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2577

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with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1985

Assembly Bill No. 2577 Aca would amend the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:1E-1 et seq.) to streamline the process for collecting payments for violations of any provision of that act, or of any rule or regulation or solid waste management plan adopted, or permit issued, thereunder.

At present, violators must be pursued through a summary judicial proceeding. The bill would establish a range of administrative remedies, as alternatives to any judicial proceeding, modeled on those available under the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.). In general, the Commissioner of the Department of Environmental Protection would be authorized to issue orders citing any violations and requiring abatement of such violations. In addition, the commissioner would be authorized to assess penalties for certain violations.

The bill would also provide ordered parties with a right to a hearing on the matters contained in an order, and would repeal the existing order provisions contained in section 10 of P. L. 1970, c. 39 (C. 13:1E-10).

Assembly County Government and Regional Authorities Committee amendments clarify the hearing procedures and the procedures for imposing penalties, and make several other technical changes.

Senate Energy and Environment Committee amendments are technical in nature and would merely conform the amendatory language to the most recent text of the statutory law.