

58:10B-17.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 245

NJSA: 58:10B-17.1 (Extends statute of limitations for State civil actions for natural resource damage compensation)

BILL NO: A4469 (Substituted for S2892)

SPONSOR(S): McKeon and Manzo

DATE INTRODUCED: December 8, 2005

COMMITTEE: **ASSEMBLY:** Environment and Solid Waste

SENATE:

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** December 12, 2005

SENATE: December 15, 2005

DATE OF APPROVAL: December 21, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A4469

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2892

[SPONSOR'S STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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No

IS 11/29/07

P.L. 2005, CHAPTER 245, *approved December 21, 2005*
Assembly, No. 4469

1 **AN ACT** concerning the limitation of actions under environmental
2 laws, and amending P.L.2001, c.154.

3

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

6

7 1. Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is amended to
8 read as follows:

9 5. a. (1) Except where a limitations provision expressly and
10 specifically applies to actions commenced by the State or where a
11 longer limitations period would otherwise apply, and subject to any
12 statutory provisions or common law rules extending limitations
13 periods, any civil action concerning the remediation of a contaminated
14 site or the closure of a sanitary landfill facility commenced by the State
15 pursuant to the State's environmental laws shall be commenced within
16 three years next after the cause of action shall have accrued.

17 (2) For purposes of determining whether a civil action subject to
18 the limitations periods specified in paragraph (1) of this subsection has
19 been commenced within time, no cause of action shall be deemed to
20 have accrued prior to January 1, 2002 or until the contaminated site
21 is remediated or the sanitary landfill has been properly closed,
22 whichever is later.

23 b. (1) Except where a limitations provision expressly and
24 specifically applies to actions commenced by the State or where a
25 longer limitations period would otherwise apply, and subject to any
26 statutory provisions or common law rules extending limitations
27 periods, any civil action concerning the payment of compensation for
28 damage to, or loss of, natural resources due to the discharge of a
29 hazardous substance, commenced by the State pursuant to the State's
30 environmental laws, shall be commenced within **[four] five years and**
31 **six months** next after the cause of action shall have accrued.

32 (2) For purposes of determining whether a civil action subject to
33 the limitations periods specified in paragraph (1) of this subsection has
34 been commenced within time, no cause of action shall be deemed to
35 have accrued prior to January 1, 2002 or until the completion of the
36 remedial investigation of the contaminated site or the sanitary landfill
37 facility, whichever is later.

38 c. As used in this section:

39 "State's environmental laws" means the "Spill Compensation and
40 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water
41 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),

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 underlined thus is new matter.

1 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and
2 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-1.1
3 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330 (C.13:1K-6
4 et al.), the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
5 et seq.), the "Comprehensive Regulated Medical Waste Management
6 Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the "Major Hazardous
7 Waste Facilities Siting Act," P.L.1981, c.279 (C.13:1E-49 et seq.), the
8 "Sanitary Landfill Facility Closure and Contingency Fund Act,"
9 P.L.1981, c.306 (C.13:1E-100 et seq.), the "Regional Low-Level
10 Radioactive Waste Disposal Facility Siting Act," P.L.1987, c.333
11 (C.13:1E-177 et seq.), or any other law or regulation by which the
12 State may compel a person to perform remediation activities on
13 contaminated property; and

14 "State" means the State, its political subdivisions, any office,
15 department, division, bureau, board, commission or agency of the
16 State or one of its political subdivisions, and any public authority or
17 public agency, including, but not limited to, the New Jersey Transit
18 Corporation and the University of Medicine and Dentistry of New
19 Jersey.

20 (cf: P.L.2005, c.4, s.2)

21

22 2. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill would extend by 18 months the statute of limitations for
28 civil actions brought by the State for the payment of compensation for
29 damage to, or loss of, natural resources due to the discharge of a
30 hazardous substance, pursuant to the State's environmental laws.
31 Under the bill's provisions, a civil action must be commenced by the
32 State no more than five years and six months after the cause of action
33 accrues. The law provides that no cause of action would accrue for
34 payment of compensation for damage to, or loss of, natural resources
35 prior to January 1, 2002 or until the completion of the remedial
36 investigation of the contaminated site or the sanitary landfill facility,
37 whichever is later. Therefore, for those sites on which the remedial
38 investigation has been completed, the statute of limitations would have
39 expired on January 1, 2006. This bill would provide the State an
40 additional 18 months in which to bring a civil action for the payment
41 of compensation for damage to, or loss of, natural resources due to the
42 discharge of a hazardous substance, pursuant to the State's
43 environmental laws.

1

2

3 Extends statute of limitations for State civil actions for natural
4 resource damage compensation.

ASSEMBLY, No. 4469

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 8, 2005

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman LOUIS MANZO

District 31 (Hudson)

Co-Sponsored by:

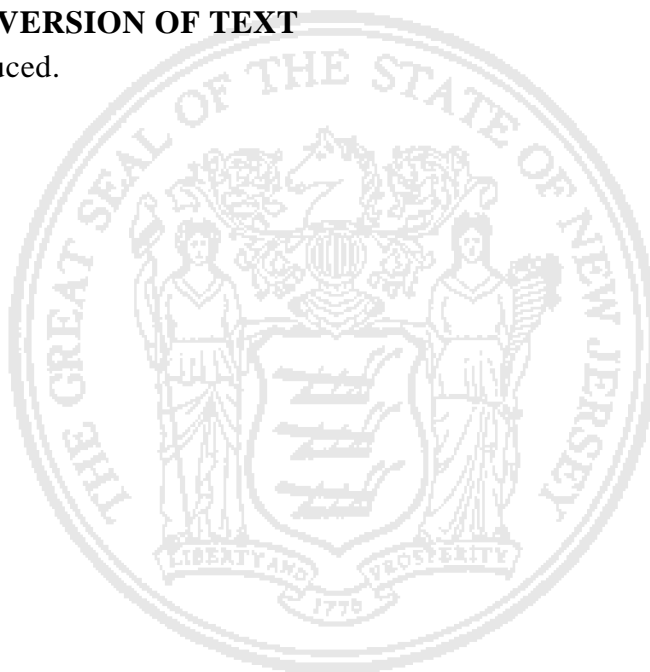
Senators Adler and McNamara

SYNOPSIS

Extends statute of limitations for State civil actions for natural resource damage compensation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2005)

1 AN ACT concerning the limitation of actions under environmental
2 laws, and amending P.L.2001, c.154.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is amended to
8 read as follows:

9 5. a. (1) Except where a limitations provision expressly and
10 specifically applies to actions commenced by the State or where a
11 longer limitations period would otherwise apply, and subject to any
12 statutory provisions or common law rules extending limitations
13 periods, any civil action concerning the remediation of a contaminated
14 site or the closure of a sanitary landfill facility commenced by the State
15 pursuant to the State's environmental laws shall be commenced within
16 three years next after the cause of action shall have accrued.

17 (2) For purposes of determining whether a civil action subject to
18 the limitations periods specified in paragraph (1) of this subsection has
19 been commenced within time, no cause of action shall be deemed to
20 have accrued prior to January 1, 2002 or until the contaminated site
21 is remediated or the sanitary landfill has been properly closed,
22 whichever is later.

23 b. (1) Except where a limitations provision expressly and
24 specifically applies to actions commenced by the State or where a
25 longer limitations period would otherwise apply, and subject to any
26 statutory provisions or common law rules extending limitations
27 periods, any civil action concerning the payment of compensation for
28 damage to, or loss of, natural resources due to the discharge of a
29 hazardous substance, commenced by the State pursuant to the State's
30 environmental laws, shall be commenced within **[four]** five years and
31 six months next after the cause of action shall have accrued.

32 (2) For purposes of determining whether a civil action subject to
33 the limitations periods specified in paragraph (1) of this subsection has
34 been commenced within time, no cause of action shall be deemed to
35 have accrued prior to January 1, 2002 or until the completion of the
36 remedial investigation of the contaminated site or the sanitary landfill
37 facility, whichever is later.

38 c. As used in this section:

39 "State's environmental laws" means the "Spill Compensation and
40 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water
41 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
42 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and
43 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-1.1

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 underlined thus is new matter.

1 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330 (C.13:1K-6
2 et al.), the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
3 et seq.), the "Comprehensive Regulated Medical Waste Management
4 Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the "Major Hazardous
5 Waste Facilities Siting Act," P.L.1981, c.279 (C.13:1E-49 et seq.), the
6 "Sanitary Landfill Facility Closure and Contingency Fund Act,"
7 P.L.1981, c.306 (C.13:1E-100 et seq.), the "Regional Low-Level
8 Radioactive Waste Disposal Facility Siting Act," P.L.1987, c.333
9 (C.13:1E-177 et seq.), or any other law or regulation by which the
10 State may compel a person to perform remediation activities on
11 contaminated property; and

12 "State" means the State, its political subdivisions, any office,
13 department, division, bureau, board, commission or agency of the
14 State or one of its political subdivisions, and any public authority or
15 public agency, including, but not limited to, the New Jersey Transit
16 Corporation and the University of Medicine and Dentistry of New
17 Jersey.

18 (cf: P.L.2005, c.4, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill would extend by 18 months the statute of limitations for
26 civil actions brought by the State for the payment of compensation for
27 damage to, or loss of, natural resources due to the discharge of a
28 hazardous substance, pursuant to the State's environmental laws.
29 Under the bill's provisions, a civil action must be commenced by the
30 State no more than five years and six months after the cause of action
31 accrues. The law provides that no cause of action would accrue for
32 payment of compensation for damage to, or loss of, natural resources
33 prior to January 1, 2002 or until the completion of the remedial
34 investigation of the contaminated site or the sanitary landfill facility,
35 whichever is later. Therefore, for those sites on which the remedial
36 investigation has been completed, the statute of limitations would have
37 expired on January 1, 2006. This bill would provide the State an
38 additional 18 months in which to bring a civil action for the payment
39 of compensation for damage to, or loss of, natural resources due to the
40 discharge of a hazardous substance, pursuant to the State's
41 environmental laws.

ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4469

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2005

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 4469.

This bill would extend by 18 months the statute of limitations for civil actions brought by the State for the payment of compensation for damage to, or loss of, natural resources due to the discharge of a hazardous substance, pursuant to the State's environmental laws. Under the provisions of the bill, a civil action must be commenced by the State no more than five years and six months after the cause of action accrues. The law provides that no cause of action would accrue for payment of compensation for damage to, or loss of, natural resources prior to January 1, 2002 or until the completion of the remedial investigation of the contaminated site or the sanitary landfill facility, whichever is later. Therefore, for those sites on which the remedial investigation has been completed, the statute of limitations would have expired on January 1, 2006. This bill would provide the State an additional 18 months in which to bring a civil action for the payment of compensation for damage to, or loss of, natural resources due to the discharge of a hazardous substance, pursuant to the State's environmental laws.

This bill is identical to Senate Bill No. 2892 as reported with amendments by the Senate Environment Committee on December 5, 2005.

SENATE, No. 2892

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED DECEMBER 1, 2005

Sponsored by:
Senator JOHN H. ADLER
District 6 (Camden)

SYNOPSIS

Extends statute of limitations for State civil actions for natural resource damage compensation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the limitation of actions under environmental
2 laws, and amending P.L.2001, c.154.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is amended to
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14 site or the closure of a sanitary landfill facility commenced by the State
15 pursuant to the State's environmental laws shall be commenced within
16 three years next after the cause of action shall have accrued.

17 (2) For purposes of determining whether a civil action subject to
18 the limitations periods specified in paragraph (1) of this subsection has
19 been commenced within time, no cause of action shall be deemed to
20 have accrued prior to January 1, 2002 or until the contaminated site
21 is remediated or the sanitary landfill has been properly closed,
22 whichever is later.

23 b. (1) Except where a limitations provision expressly and
24 specifically applies to actions commenced by the State or where a
25 longer limitations period would otherwise apply, and subject to any
26 statutory provisions or common law rules extending limitations
27 periods, any civil action concerning the payment of compensation for
28 damage to, or loss of, natural resources due to the discharge of a
29 hazardous substance, commenced by the State pursuant to the State's
30 environmental laws, shall be commenced within **[four]** six years next
31 after the cause of action shall have accrued.

32 (2) For purposes of determining whether a civil action subject to
33 the limitations periods specified in paragraph (1) of this subsection has
34 been commenced within time, no cause of action shall be deemed to
35 have accrued prior to January 1, 2002 or until the completion of the
36 remedial investigation of the contaminated site or the sanitary landfill
37 facility, whichever is later.

38 c. As used in this section:

39 "State's environmental laws" means the "Spill Compensation and
40 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water
41 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
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2 et al.), the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1
3 et seq.), the "Comprehensive Regulated Medical Waste Management
4 Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the "Major Hazardous
5 Waste Facilities Siting Act," P.L.1981, c.279 (C.13:1E-49 et seq.), the
6 "Sanitary Landfill Facility Closure and Contingency Fund Act,"
7 P.L.1981, c.306 (C.13:1E-100 et seq.), the "Regional Low-Level
8 Radioactive Waste Disposal Facility Siting Act," P.L.1987, c.333
9 (C.13:1E-177 et seq.), or any other law or regulation by which the
10 State may compel a person to perform remediation activities on
11 contaminated property; and

12 "State" means the State, its political subdivisions, any office,
13 department, division, bureau, board, commission or agency of the
14 State or one of its political subdivisions, and any public authority or
15 public agency, including, but not limited to, the New Jersey Transit
16 Corporation and the University of Medicine and Dentistry of New
17 Jersey.

18 (cf: P.L.2005, c.4, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill would extend by two years the statute of limitations for
26 civil actions brought by the State for the payment of compensation for
27 damage to, or loss of, natural resources due to the discharge of a
28 hazardous substance, pursuant to the State's environmental laws.
29 Under the bill's provisions, a civil action must be commenced by the
30 State no more than six years after the cause of action accrues. The
31 law provides that no cause of action would accrue for payment of
32 compensation for damage to, or loss of, natural resources prior to
33 January 1, 2002 or until the completion of the remedial investigation
34 of the contaminated site or the sanitary landfill facility, whichever is
35 later. Therefore, for those sites on which the remedial investigation
36 has been completed, the statute of limitations would have expired on
37 January 1, 2006. This bill would provide the State an additional two
38 years in which to bring a civil action for the payment of compensation
39 for damage to, or loss of, natural resources due to the discharge of a
40 hazardous substance, pursuant to the State's environmental laws.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2892

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Senate Environment Committee favorably reports Senate Bill No.2892 with committee amendments.

This bill, as amended, would extend by 18 months the statute of limitations for civil actions brought by the State for the payment of compensation for damage to, or loss of, natural resources due to the discharge of a hazardous substance, pursuant to the State's environmental laws. Under the bill's provisions, a civil action must be commenced by the State no more than five years and six months after the cause of action accrues. The law provides that no cause of action would accrue for payment of compensation for damage to, or loss of, natural resources prior to January 1, 2002 or until the completion of the remedial investigation of the contaminated site or the sanitary landfill facility, whichever is later. Therefore, for those sites on which the remedial investigation has been completed, the statute of limitations would have expired on January 1, 2006. This bill would provide the State an additional 18 months in which to bring a civil action for the payment of compensation for damage to, or loss of, natural resources due to the discharge of a hazardous substance, pursuant to the State's environmental laws.

The committee amendments changed the extension of the statute of limitations from two years to 18 months.