

13:1E-3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 231
NJSA: 13:1E-3 (Unlawful solid waste disposal)
BILL NO: A2801 (Substituted for S1831)
SPONSOR(S): Chivukula and Imprevduto
DATE INTRODUCED: September 30, 2002
COMMITTEE: **ASSEMBLY:** Environment and Solid Waste
 SENATE: Environment
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** March 3, 2003
 SENATE: December 11, 2003
DATE OF APPROVAL: January 9, 2004
FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A2801

[SPONSOR'S STATEMENT:](#) (Begins on page 10 of original bill) [Yes](#)

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

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1831

[SPONSOR'S STATEMENT:](#) (Begins on page 10 of original bill) [Yes](#)
Bill and Sponsors Statement identical to A2801

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** No

[SENATE:](#) [Yes](#)

Identical to Senate Statement for A2801

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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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 231, *approved January 9, 2004*
Assembly, No. 2801 (*Second Reprint*)

1 AN ACT concerning unlawful solid waste disposal, amending and
2 supplementing P.L.1970, c.39, and amending P.L.1989, c.118,
3 R.S.40:49-5 and P.L.1950, c.210.

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

7
8 1. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read as
9 follows:

10 3. [For purposes of this act, unless the context clearly requires a
11 different meaning] As used in ¹[this act] the provisions of P.L.1970,
12 c.39 (C.13:1E-1 et seq.)¹:

13 [a.] "Solid waste" means garbage, refuse, and other discarded
14 materials resulting from industrial, commercial and agricultural
15 operations, and from domestic and community activities, and shall
16 include all other waste materials including liquids, except for [solid
17 animal and vegetable wastes] source separated recyclable materials or
18 source separated food waste collected by [swine] livestock producers
19 [licensed] approved by the State Department of Agriculture to collect,
20 prepare and feed such wastes to [swine] livestock on their own farms.

21 [b.] "Solid waste collection" means the activity related to pick-up
22 and transportation of solid waste from its source or location to a
23 [transfer station or other authorized] solid waste facility or other
24 destination.

25 [c.] "Disposal" means the storage, treatment, utilization,
26 processing, resource recovery of, or the discharge, deposit, injection,
27 dumping, spilling, leaking or placing of any solid or hazardous waste
28 into or on any land or water, so that the solid or hazardous waste or
29 any constituent thereof may enter the environment or be emitted into
30 the air or discharged into any waters, including groundwaters.

31 [d.] "Solid waste management" includes all activities related to the
32 collection [and] or disposal of solid waste by any person engaging in
33 any such process.

34 [e.] "Council" means the Advisory Council on Solid Waste
35 Management.

36 [f.] "Department" means the ¹[State]¹ Department of
37 Environmental Protection.

38 [g.] "Commissioner" means the Commissioner of ¹[Environmental

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEN committee amendments adopted December 9, 2002.

² Assembly floor amendments adopted December 12, 2002.

1 Protection in]¹ the [State] Department of Environmental
2 Protection.

3 [h.] "Solid waste facilities" [mean] means and [include] includes
4 the plants, structures and other real and personal property acquired,
5 constructed or operated or to be acquired, constructed or operated by,
6 or on behalf of, any person, public authority or county pursuant to the
7 provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) [, P.L.1970, c.40
8 (C.48:13A-1 et seq.)] or any other act, including transfer stations,
9 incinerators, resource recovery facilities, sanitary landfill facilities or
10 other plants for the disposal of solid waste, and all vehicles,
11 equipmen/t and other real and personal property and rights therein and
12 appurtenances necessary or useful and convenient for the collection or
13 disposal of solid waste in a sanitary manner.

14 [i.] "Public authority" means [any solid waste management
15 authority created pursuant to the "solid waste management authorities
16 law," P.L.1968, c.249 (C.40:66A-32 et seq.);] a municipal or county
17 utilities authority created pursuant to the "municipal and county
18 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.);
19 [incinerator authority created pursuant to the "incinerator authorities
20 law," P.L.1948, c.348 (C.40:66A-1 et seq.);] a county improvement
21 authority created pursuant to the "county improvement authorities
22 law," P.L.1960, c.183 (C.40:37A-44 et seq.) [,] ; a pollution control
23 financing authority created pursuant to the "New Jersey Pollution
24 Control Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or any
25 other public body corporate and politic created for solid waste
26 management purposes in any county [or municipality] , pursuant to
27 the provisions of any law.

28 [j.] "Hackensack Meadowlands District" means the area within the
29 jurisdiction of the [Hackensack] New Jersey Meadowlands
30 [Development] Commission created pursuant to the provisions of the
31 "Hackensack Meadowlands Reclamation and Development Act,"
32 P.L.1968, c.404 (C.13:17-1 et seq.).

33 [k.] "Hackensack Commission" means the [Hackensack] New
34 Jersey Meadowlands [Development] Commission created pursuant to
35 the provisions of the "Hackensack Meadowlands Reclamation and
36 Development Act," P.L.1968, c.404 (C.13:17-1 et seq.).

37 [l. (Deleted by amendment, P.L.1990, c.113)

38 m. (Deleted by amendment, P.L.1990, c.113)

39 n.] "Public sewage treatment plant" means any structure or
40 structures required to be approved by the department pursuant to
41 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74 (C.58:10A-1
42 et seq.), by means of which domestic wastes are subjected to any
43 artificial process in order to remove or so alter constituents as to
44 render the waste less offensive or dangerous to the public health,
45 comfort or property of any of the inhabitants of this State, before the

1 discharge of the plant effluent into any of the waters of this State; this
2 definition includes plants for the treatment of industrial wastes, as well
3 as a combination of domestic and industrial wastes.

4 [o.] "Resource recovery" means the collection, separation,
5 recycling and recovery of metals, glass, paper and other materials for
6 reuse; or the incineration of solid waste for energy production and the
7 recovery of metals and other materials for reuse.

8 "Resource recovery facility" means a solid waste facility
9 constructed and operated for the incineration of solid waste for energy
10 production and the recovery of metals and other materials for reuse;
11 or a mechanized composting facility, or any other solid waste facility.

12 [p. (Deleted by amendment, P.L.1990, c.113)

13 q.] "Sanitary landfill facility" means a solid waste facility at which
14 solid waste is deposited on or in the land as fill for the purpose of
15 permanent disposal or storage for a period exceeding six months,
16 except that it shall not include any waste facility approved for disposal
17 of hazardous waste.

18 [r.] "Transfer station" means a solid waste facility at which solid
19 waste is transferred from a solid waste collection vehicle to a
20 [licensed] registered solid waste haulage vehicle, including a rail car,
21 for transportation to an offsite sanitary landfill facility, resource
22 recovery facility, or [other destination] designated out-of-state
23 disposal site for disposal [, except that a "transfer station" shall not
24 include any solid waste facility at which solid waste is received for
25 onsite transfer, and processing or disposal utilizing facility-owned or
26 operated equipment and vehicles operated therefor].

27 (cf: P.L.1990, c.113, s.4)

28
29 2. Section 4 of P.L.1970, c.39 (C.13:1E-4) is amended to read as
30 follows:

31 4. [a.] The department shall have power to supervise solid waste
32 collection activities, solid waste facilities and solid waste disposal
33 [facilities or] operations, and shall in the exercise of [such] this
34 supervision require the registration of [new and existing] all solid
35 waste collection activities, solid waste facilities and solid waste
36 disposal [facilities and] operations[; and] in this State. The
37 department may exempt from the requirement of registration any class
38 of solid waste collection activity, solid waste facility or solid waste
39 disposal [facility or] operation if the department determines that the
40 exemption is necessitated by the public interest.

41 b. The department in reviewing the registration statement for a new
42 solid waste collection [operation or] activity, solid waste [disposal]
43 facility or disposal operation and in determining the conditions under
44 which it may be approved, shall not approve the registration of any
45 new [operation or facility] solid waste collection activity, solid waste

1 facility or disposal operation that does not conform to the district solid
2 waste management plan of the [solid waste management] district in
3 which [such operation or facility] the proposed solid waste collection
4 activity, solid waste facility or disposal operation is to be located, as
5 [such] the relevant district plan shall have been approved by the
6 department as hereinafter provided. [Prior to the approval by the
7 department of the solid waste management plan of any solid waste
8 management district, the department may grant approval to any new
9 solid waste collection or disposal operation or facility planned to be
10 located in any such district and that district shall include said operation
11 or facility in its plan.]

12 (cf: P.L.1975, c.326, s.5)

13

14 3. Section 5 of P.L.1970, c.39 (C.13:1E-5) is amended to read as
15 follows:

16 5. a. [Unless exempted by the department, no] No person shall
17 [hereafter engage or continue to] engage in the collection or disposal
18 of solid waste in this State without first filing [a] an application for a
19 registration statement or engineering design approval and obtaining
20 approval thereof from the department. A person [engaging] seeking
21 to engage in solid waste disposal shall file a separate application for a
22 registration statement and an engineering design approval for each
23 [disposal] particular solid waste facility [which he operates. The
24 registration statement and engineering design for each disposal facility
25 and approval of same shall be for the duration of the plan].

26 b. The application for a registration statement [and the] or an
27 engineering design approval shall be made on forms provided by the
28 department and shall contain [such] whatever information as may be
29 prescribed by the department. The State and any of its political
30 subdivisions, public agencies and public authorities shall be deemed a
31 person within the meaning of [this act] P.L.1970, c.39 (C.13:1E-1 et
32 seq.).

33 c. [No] The application for a registration statement or an
34 engineering design approval shall not be approved by the department
35 [when in the opinion of] if the department [such] determines that the
36 solid waste collection activity [or disposal], solid waste facility or
37 solid waste disposal operation will not meet the standards or criteria
38 set forth in [this amendatory and supplementary act] P.L.1970, c.39
39 (C.13:1E-1 et seq.) or in rules or regulations as may be [promulgated
40 under authority of this act or this amendatory and supplementary act]
41 adopted pursuant thereto. The department may require the amendment
42 of an approved registration [when, in its opinion,] statement or
43 engineering design approval if the department determines that the
44 continued solid waste collection activity or continued operation of a
45 solid waste facility in accordance with its approved registration would
46 not meet [the] these standards, criteria or regulations [described

1 herein].

2 (cf: P.L.1975, c.326, s.6)

3

4 4. Section 2 of P.L.1989, c.118 (C.13:1E-9.3) is amended to read
5 as follows:

6 2. a. No person shall, regardless of intent, engage, or be permitted
7 to engage, in the [collection or] disposal of solid waste in excess of
8 0.148 cubic yards of solids or 30 United States gallons of liquids,
9 whether for profit or otherwise, except at a solid waste facility or an
10 out-of-state disposal site which has authorization from the appropriate
11 state regulatory agency having jurisdiction over solid waste
12 management to accept solid waste for disposal, or any other place in
13 this State which has authorization from the Department of
14 Environmental Protection to accept solid waste for disposal, as the
15 case may be.

16 b. No person shall, regardless of intent, transport or cause or
17 permit to be transported any solid waste in excess of 0.148 cubic yards
18 of solids or 30 United States gallons of liquids, whether for profit or
19 otherwise, except to a solid waste facility or an out-of-state disposal
20 site which has authorization from the appropriate state regulatory
21 agency having jurisdiction over solid waste management to accept
22 solid waste for disposal, or to any other place in this State which
23 [does not have] has authorization from the Department of
24 Environmental Protection to accept solid waste for disposal, as the
25 case may be.

26 c. No person shall, regardless of intent, cause, engage in or be
27 permitted to engage in, the disposal of any amount of solid waste on
28 real property subject to the use, control or ownership of a railroad
29 company, unless such disposal is expressly authorized by the railroad
30 company and approved by the Department of Environmental
31 Protection.

32 d. The provisions of this section shall be enforced by the
33 Department of Environmental Protection and by every relevant
34 municipality, local board of health, or county health department, as the
35 case may be.

36 (cf: P.L.1995, c.11, s.1)

37

38 5. (New section) a. A person is guilty of a crime of the second
39 degree if ¹[he] that person¹ knowingly:

40 (1) disposes of solid waste, or causes or permits the disposal of
41 solid waste, or otherwise engages in the disposal of solid waste within
42 this State in the amount of 1,000 cubic yards ²or more² of solids or
43 10,000 United States gallons ²or more² of liquids ~~for more~~ ²,
44 whether for profit or otherwise, except at a solid waste facility which
45 has received approval from the department pursuant to section 5 of
46 P.L.1970, c.39 (C.13:1E-5) or any other place in this State which has

1 authorization from the Department of Environmental Protection to
2 accept solid waste for disposal, as the case may be; or

3 (2) transports or causes or permits to be transported any solid
4 waste in the amount of 1,000 cubic yards ²or more² of solids or
5 10,000 United States gallons ²or more² of liquids or ²[more]² ,
6 whether for profit or otherwise, to a disposal site within this State
7 which does not have approval from the department pursuant to section
8 5 of P.L.1970, c.39 (C.13:1E-5) to accept solid waste for disposal.

9 b. A person is guilty of a crime of the third degree if ¹[he] that
10 person¹ ²[recklessly]² :

11 (1) ²recklessly² disposes of solid waste, or causes or permits the
12 disposal of solid waste, or otherwise engages in the disposal of solid
13 waste within this State in the amount of 100 cubic yards ²or more² of
14 solids or 1,000 United States gallons ²or more² of liquids ²[or more]²
15 , whether for profit or otherwise, except at a solid waste facility which
16 has received approval from the department pursuant to section 5 of
17 P.L.1970, c.39 (C.13:1E-5) or any other place in this State which has
18 authorization from the Department of Environmental Protection to
19 accept solid waste for disposal, as the case may be; or

20 (2) ²recklessly² transports or causes or permits to be transported
21 any solid waste in the amount of 100 cubic yards ²or more² of solids
22 or 1,000 United States gallons ²or more² of liquids ²[or more]² ,
23 whether for profit or otherwise, to a disposal site within this State
24 which does not have approval from the department pursuant to section
25 5 of P.L.1970, c.39 (C.13:1E-5) to accept solid waste for disposal ²;
26 or

27 (3) knowingly disposes of solid waste, or causes or permits the
28 disposal of solid waste, or otherwise engages in the disposal of solid
29 waste within this State in an amount of at least 10 but less than 100
30 cubic yards of solids or an amount of at least 250 but less than 1,000
31 United States gallons of liquids, whether for profit or otherwise,
32 except at a solid waste facility which has received approval from the
33 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) or any
34 other place in this State which has authorization from the Department
35 of Environmental Protection to accept solid waste for disposal, as the
36 case may be; or

37 (4) knowingly transports or causes or permits to be transported
38 any solid waste in an amount of at least 10 but less than 100 cubic
39 yards of solids or an amount of at least 250 but less than 1,000 United
40 States gallons of liquids, whether for profit or otherwise, to a disposal
41 site within this State which does not have approval from the
42 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to
43 accept solid waste for disposal² .

44 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
45 a fine of up to ¹[\$50,000.00] \$50,000¹ may be imposed for a violation
46 of this subsection.

1 c. A person is guilty of a crime of the fourth degree if ¹[he] that
2 person¹ recklessly:

3 (1) disposes of solid waste, or causes or permits the disposal of
4 solid waste, or otherwise engages in the disposal of solid waste within
5 this State in an amount of at least 10 but less than 100 cubic yards of
6 solids or an amount of at least 250 but less than 1,000 United States
7 gallons of liquids, whether for profit or otherwise, except at a solid
8 waste facility which has received approval from the department
9 pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) or any other place
10 in this State which has authorization from the Department of
11 Environmental Protection to accept solid waste for disposal, as the
12 case may be; or

13 (2) transports or causes or permits to be transported any solid
14 waste in an amount of at least 10 but less than 100 cubic yards of
15 solids or an amount of at least 250 but less than 1,000 United States
16 gallons of liquids, whether for profit or otherwise, to a disposal site
17 within this State which does not have approval from the department
18 pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to accept solid
19 waste for disposal.

20 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
21 a fine of up to ¹[\$25,000.00] \$25,000¹ may be imposed for a violation
22 of this subsection.

23 d. A person who knowingly or recklessly engages in the collection
24 of solid waste, whether for profit or otherwise, in violation of the
25 requirements of section 5 of P.L.1970, c.39 (²[C.13-1E-5] C.13:1E-
26 5²), is guilty of an offense.

27 It is a crime of the third degree if the amount of solid waste
28 collected is in the amount of 100 cubic yards ²or more² of solids or
29 1,000 United States gallons ²or more² of liquids ²[or more]² , and it
30 is a crime of the fourth degree if the amount of solid waste collected
31 is at least 10 but less than 100 cubic yards of solids or at least 250 but
32 less than 1,000 United States gallons of liquids.

33 e. A prosecution for a violation of the provisions of this section
34 shall be commenced within ten years of the date of discovery of the
35 violation.

36 f. The quantity of solid waste involved in an offense under this
37 section shall be determined by the trier of fact. The quantity of solid
38 waste involved in offenses committed pursuant to one scheme or
39 course of conduct, whether at one or several locations, may be
40 aggregated in determining the degree of the offense.

41

42 6. R.S.40:49-5 is amended to read as follows:

43 40:49-5. The governing body may prescribe penalties for the
44 violation of ordinances it may have authority to pass, by one or more
45 of the following: imprisonment in the county jail or in any place
46 provided by the municipality for the detention of prisoners, for any

1 term not exceeding 90 days; or by a fine not exceeding \$1,250; or by
2 a period of community service not exceeding 90 days.

3 The governing body may prescribe that for the violation of any
4 particular ordinance at least a minimum penalty shall be imposed which
5 shall consist of a fine which may be fixed at an amount not exceeding
6 ~~1[\$100.00]~~ \$100¹.

7 The governing body may prescribe that for the violation of an
8 ordinance pertaining to unlawful solid waste disposal at least a
9 minimum penalty shall be imposed which shall consist of a fine which
10 may be fixed at an amount not exceeding \$2,500 or a maximum
11 penalty by a fine not exceeding \$10,000.

12 The court before which any person is convicted of violating any
13 ordinance of a municipality shall have power to impose any fine, term
14 of imprisonment, or period of community service not less than the
15 minimum and not exceeding the maximum fixed in such ordinance.

16 Any person who is convicted of violating an ordinance within one
17 year of the date of a previous violation of the same ordinance and who
18 was fined for the previous violation, shall be sentenced by a court to
19 an additional fine as a repeat offender. The additional fine imposed by
20 the court upon a person for a repeated offense shall not be less than
21 the minimum or exceed the maximum fine fixed for a violation of the
22 ordinance, but shall be calculated separately from the fine imposed for
23 the violation of the ordinance.

24 Any municipality which chooses not to impose an additional fine
25 upon a person for a repeated violation of any municipal ordinance may
26 waive the additional fine by ordinance or resolution.

27 Any person convicted of the violation of any ordinance may, in the
28 discretion of the court by which he was convicted, and in default of the
29 payment of any fine imposed therefor, be imprisoned in the county jail
30 or place of detention provided by the municipality, for any term not
31 exceeding 90 days, or be required to perform community service for
32 a period not exceeding 90 days.

33 (cf: P.L.2001, c.274)

34

35 7. Section 2-4 of P.L.1950, c.210 (C.40:69A-29) is amended to
36 read as follows:

37 2-4. Each municipality governed by an optional form of
38 government pursuant to this act shall, subject to the provisions of this
39 act or other general laws, have full power to:

40 (a) Organize and regulate its internal affairs, and to establish, alter,
41 and abolish offices, positions and employments and to define the
42 functions, powers and duties thereof and fix their terms, tenure and
43 compensation;

44 (b) Adopt and enforce local police ordinances of all kinds and
45 impose one or more of the following penalties: fines not exceeding
46 ~~[\$1,000.00]~~ ~~1[\$1,250.00]~~ \$1,250¹ or imprisonment for any term not

1 exceeding 90 days, or a period of community service not exceeding 90
2 days for the violation thereof; prescribe that for the violation of
3 particular ordinances at least a minimum penalty shall be imposed
4 which shall consist of a fine which may be fixed at an amount not
5 exceeding ¹~~[\$100.00]~~ \$100¹; prescribe that for the violation of an
6 ordinance pertaining to unlawful solid waste disposal at least a
7 minimum penalty shall be imposed which shall consist of a fine which
8 may be fixed at an amount not exceeding \$2,500 or a maximum
9 penalty by a fine not exceeding \$10,000; to construct, acquire, operate
10 or maintain any and all public improvements, projects or enterprises
11 for any public purpose, subject to referendum requirements otherwise
12 imposed by law, and to exercise all powers of local government in
13 such manner as its governing body may determine;

14 (c) Sue and be sued, to have a corporate seal, to contract and be
15 contracted with, to buy, sell, lease, hold and dispose of real and
16 personal property, to appropriate and expend moneys, and to adopt,
17 amend and repeal such ordinances and resolutions as may be required
18 for the good government thereof;

19 (d) Exercise powers of condemnation, borrowing and taxation in
20 the manner provided by general law.

21 Any person who is convicted of violating an ordinance within one
22 year of the date of a previous violation of the same ordinance and who
23 was fined for the previous violation, shall be sentenced by a court to
24 an additional fine as a repeat offender. The additional fine imposed by
25 the court upon a person for a repeated offense shall not be less than
26 the minimum or exceed the maximum fine fixed for a violation of the
27 ordinance, but shall be calculated separately from the fine imposed for
28 the violation of the ordinance.

29 Any municipality which chooses not to impose an additional fine
30 upon a person for a repeated violation of any municipal ordinance may
31 waive the additional fine by ordinance or resolution.

32 (cf: P.L.1989, c.114, s.2)

33

34 8. This act shall take effect immediately.

35

36

37

38

39 Provides criminal penalties for unlawful solid waste disposal.

ASSEMBLY, No. 2801

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

SYNOPSIS

Provides criminal penalties for unlawful solid waste disposal.

CURRENT VERSION OF TEXT

As introduced.



A2801 CHIVUKULA

2

1 AN ACT concerning unlawful solid waste disposal, amending and
2 supplementing P.L.1970, c.39, and amending P.L.1989, c.118,
3 R.S.40:49-5 and P.L.1950, c.210.

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

7
8 1. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read as
9 follows:

10 3. [For purposes of this act, unless the context clearly requires a
11 different meaning] As used in this act:

12 [a.] "Solid waste" means garbage, refuse, and other discarded
13 materials resulting from industrial, commercial and agricultural
14 operations, and from domestic and community activities, and shall
15 include all other waste materials including liquids, except for [solid
16 animal and vegetable wastes] source separated recyclable materials or
17 source separated food waste collected by [swine] livestock producers
18 [licensed] approved by the State Department of Agriculture to collect,
19 prepare and feed such wastes to [swine] livestock on their own farms.

20 [b.] "Solid waste collection" means the activity related to pick-up
21 and transportation of solid waste from its source or location to a
22 [transfer station or other authorized] solid waste facility or other
23 destination.

24 [c.] "Disposal" means the storage, treatment, utilization,
25 processing, resource recovery of, or the discharge, deposit, injection,
26 dumping, spilling, leaking or placing of any solid or hazardous waste
27 into or on any land or water, so that the solid or hazardous waste or
28 any constituent thereof may enter the environment or be emitted into
29 the air or discharged into any waters, including groundwaters.

30 [d.] "Solid waste management" includes all activities related to the
31 collection [and] or disposal of solid waste by any person engaging in
32 any such process.

33 [e.] "Council" means the Advisory Council on Solid Waste
34 Management.

35 [f.] "Department" means the State Department of Environmental
36 Protection.

37 [g.] "Commissioner" means the Commissioner of Environmental
38 Protection in the State Department of Environmental Protection.

39 [h.] "Solid waste facilities" [mean] means and [include] includes
40 the plants, structures and other real and personal property acquired,
41 constructed or operated or to be acquired, constructed or operated by,
42 or on behalf of, any person, public authority or county pursuant to the

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Matter underlined thus is new matter.

1 provisions of P.L.1970, c.39 (C.13:1E-1 et seq.)[, P.L.1970, c.40
2 (C.48:13A-1 et seq.)] or any other act, including transfer stations,
3 incinerators, resource recovery facilities, sanitary landfill facilities or
4 other plants for the disposal of solid waste, and all vehicles, equipment
5 and other real and personal property and rights therein and
6 appurtenances necessary or useful and convenient for the collection or
7 disposal of solid waste in a sanitary manner.

8 [i.] "Public authority" means [any solid waste management
9 authority created pursuant to the "solid waste management authorities
10 law," P.L.1968, c.249 (C.40:66A-32 et seq.);] a municipal or county
11 utilities authority created pursuant to the "municipal and county
12 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.);
13 [incinerator authority created pursuant to the "incinerator authorities
14 law," P.L.1948, c.348 (C.40:66A-1 et seq.);] a county improvement
15 authority created pursuant to the "county improvement authorities
16 law," P.L.1960, c.183 (C.40:37A-44 et seq.)[.]; a pollution control
17 financing authority created pursuant to the "New Jersey Pollution
18 Control Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or any
19 other public body corporate and politic created for solid waste
20 management purposes in any county [or municipality], pursuant to the
21 provisions of any law.

22 [j.] "Hackensack Meadowlands District" means the area within the
23 jurisdiction of the [Hackensack] New Jersey Meadowlands
24 [Development] Commission created pursuant to the provisions of the
25 "Hackensack Meadowlands Reclamation and Development Act,"
26 P.L.1968, c.404 (C.13:17-1 et seq.).

27 [k.] "Hackensack Commission" means the [Hackensack] New
28 Jersey Meadowlands [Development] Commission created pursuant to
29 the provisions of the "Hackensack Meadowlands Reclamation and
30 Development Act," P.L.1968, c.404 (C.13:17-1 et seq.).

31 [l. (Deleted by amendment, P.L.1990, c.113)

32 m. (Deleted by amendment, P.L.1990, c.113)

33 n.] "Public sewage treatment plant" means any structure or
34 structures required to be approved by the department pursuant to
35 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74 (C.58:10A-1
36 et seq.), by means of which domestic wastes are subjected to any
37 artificial process in order to remove or so alter constituents as to
38 render the waste less offensive or dangerous to the public health,
39 comfort or property of any of the inhabitants of this State, before the
40 discharge of the plant effluent into any of the waters of this State; this
41 definition includes plants for the treatment of industrial wastes, as well
42 as a combination of domestic and industrial wastes.

43 [o.] "Resource recovery" means the collection, separation,
44 recycling and recovery of metals, glass, paper and other materials for
45 reuse; or the incineration of solid waste for energy production and the

1 recovery of metals and other materials for reuse.

2 "Resource recovery facility" means a solid waste facility
3 constructed and operated for the incineration of solid waste for energy
4 production and the recovery of metals and other materials for reuse;
5 or a mechanized composting facility, or any other solid waste facility.

6 [p. (Deleted by amendment, P.L.1990, c.113)

7 q.] "Sanitary landfill facility" means a solid waste facility at which
8 solid waste is deposited on or in the land as fill for the purpose of
9 permanent disposal or storage for a period exceeding six months,
10 except that it shall not include any waste facility approved for disposal
11 of hazardous waste.

12 [r.] "Transfer station" means a solid waste facility at which solid
13 waste is transferred from a solid waste collection vehicle to a
14 [licensed] registered solid waste haulage vehicle, including a rail car,
15 for transportation to an offsite sanitary landfill facility, resource
16 recovery facility, or [other destination] designated out-of-state
17 disposal site for disposal[, except that a "transfer station" shall not
18 include any solid waste facility at which solid waste is received for
19 onsite transfer, and processing or disposal utilizing facility-owned or
20 operated equipment and vehicles operated therefor].

21 (cf: P.L.1990, c.113, s.4)

22

23 2. Section 4 of P.L.1970, c.39 (C.13:1E-4) is amended to read as
24 follows:

25 4. [a.] The department shall have power to supervise solid waste
26 collection activities, solid waste facilities and solid waste disposal
27 [facilities or] operations, and shall in the exercise of [such] this
28 supervision require the registration of [new and existing] all solid
29 waste collection activities, solid waste facilities and solid waste
30 disposal [facilities and] operations[; and] in this State. The
31 department may exempt from the requirement of registration any class
32 of solid waste collection activity, solid waste facility or solid waste
33 disposal [facility or] operation if the department determines that the
34 exemption is necessitated by the public interest.

35 b. The department in reviewing the registration statement for a new
36 solid waste collection [operation or] activity, solid waste [disposal]
37 facility or disposal operation and in determining the conditions under
38 which it may be approved, shall not approve the registration of any
39 new [operation or facility] solid waste collection activity, solid waste
40 facility or disposal operation that does not conform to the district solid
41 waste management plan of the [solid waste management] district in
42 which [such operation or facility] the proposed solid waste collection
43 activity, solid waste facility or disposal operation is to be located, as
44 [such] the relevant district plan shall have been approved by the
45 department as hereinafter provided. [Prior to the approval by the

1 department of the solid waste management plan of any solid waste
2 management district, the department may grant approval to any new
3 solid waste collection or disposal operation or facility planned to be
4 located in any such district and that district shall include said operation
5 or facility in its plan.]

6 (cf: P.L.1975, c.326, s.5)

7

8 3. Section 5 of P.L.1970, c.39 (C.13:1E-5) is amended to read as
9 follows:

10 5. a. [Unless exempted by the department, no] No person shall
11 [hereafter engage or continue to] engage in the collection or disposal
12 of solid waste in this State without first filing [a] an application for a
13 registration statement or engineering design approval and obtaining
14 approval thereof from the department. A person [engaging] seeking
15 to engage in solid waste disposal shall file a separate application for a
16 registration statement and an engineering design approval for each
17 [disposal] particular solid waste facility [which he operates. The
18 registration statement and engineering design for each disposal facility
19 and approval of same shall be for the duration of the plan].

20 b. The application for a registration statement [and the] or an
21 engineering design approval shall be made on forms provided by the
22 department and shall contain [such] whatever information as may be
23 prescribed by the department. The State and any of its political
24 subdivisions, public agencies and public authorities shall be deemed a
25 person within the meaning of [this act] P.L.1970, c.39 (C.13:1E-1 et
26 seq.).

27 c. [No] The application for a registration statement or an
28 engineering design approval shall not be approved by the department
29 [when in the opinion of] if the department [such] determines that the
30 solid waste collection activity [or disposal], solid waste facility or
31 solid waste disposal operation will not meet the standards or criteria
32 set forth in [this amendatory and supplementary act] P.L.1970, c.39
33 (C.13:1E-1 et seq.) or in rules or regulations as may be [promulgated
34 under authority of this act or this amendatory and supplementary act]
35 adopted pursuant thereto. The department may require the amendment
36 of an approved registration [when, in its opinion,] statement or
37 engineering design approval if the department determines that the
38 continued solid waste collection activity or continued operation of a
39 solid waste facility in accordance with its approved registration would
40 not meet [the] these standards, criteria or regulations [described
41 herein].

42 (cf: P.L.1975, c.326, s.6)

43

44 4. Section 2 of P.L.1989, c.118 (C.13:1E-9.3) is amended to read
45 as follows:

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6

1 2. a. No person shall, regardless of intent, engage, or be permitted
2 to engage, in the [collection or] disposal of solid waste in excess of
3 0.148 cubic yards of solids or 30 United States gallons of liquids,
4 whether for profit or otherwise, except at a solid waste facility or an
5 out-of-state disposal site which has authorization from the appropriate
6 state regulatory agency having jurisdiction over solid waste
7 management to accept solid waste for disposal, or any other place in
8 this State which has authorization from the Department of
9 Environmental Protection to accept solid waste for disposal, as the
10 case may be.

11 b. No person shall, regardless of intent, transport or cause or
12 permit to be transported any solid waste in excess of 0.148 cubic yards
13 of solids or 30 United States gallons of liquids, whether for profit or
14 otherwise, except to a solid waste facility or an out-of-state disposal
15 site which has authorization from the appropriate state regulatory
16 agency having jurisdiction over solid waste management to accept
17 solid waste for disposal, or to any other place in this State which
18 [does not have] has authorization from the Department of
19 Environmental Protection to accept solid waste for disposal, as the
20 case may be.

21 c. No person shall, regardless of intent, cause, engage in or be
22 permitted to engage in, the disposal of any amount of solid waste on
23 real property subject to the use, control or ownership of a railroad
24 company, unless such disposal is expressly authorized by the railroad
25 company and approved by the Department of Environmental
26 Protection.

27 d. The provisions of this section shall be enforced by the
28 Department of Environmental Protection and by every relevant
29 municipality, local board of health, or county health department, as the
30 case may be.

31 (cf: P.L.1995, c.11, s.1)

32

33 5. (New section) a. A person is guilty of a crime of the second
34 degree if he knowingly:

35 (1) disposes of solid waste, or causes or permits the disposal of
36 solid waste, or otherwise engages in the disposal of solid waste within
37 this State in the amount of 1,000 cubic yards of solids or 10,000
38 United States gallons of liquids or more, whether for profit or
39 otherwise, except at a solid waste facility which has received approval
40 from the department pursuant to section 5 of P.L.1970, c.39
41 (C.13:1E-5) or any other place in this State which has authorization
42 from the Department of Environmental Protection to accept solid
43 waste for disposal, as the case may be; or

44 (2) transports or causes or permits to be transported any solid
45 waste in the amount of 1,000 cubic yards of solids or 10,000 United
46 States gallons of liquids or more, whether for profit or otherwise, to

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1 a disposal site within this State which does not have approval from the
2 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to
3 accept solid waste for disposal.

4 b. A person is guilty of a crime of the third degree if he recklessly:

5 (1) disposes of solid waste, or causes or permits the disposal of
6 solid waste, or otherwise engages in the disposal of solid waste within
7 this State in the amount of 100 cubic yards of solids or 1,000 United
8 States gallons of liquids or more, whether for profit or otherwise,
9 except at a solid waste facility which has received approval from the
10 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) or any
11 other place in this State which has authorization from the Department
12 of Environmental Protection to accept solid waste for disposal, as the
13 case may be; or

14 (2) transports or causes or permits to be transported any solid
15 waste in the amount of 100 cubic yards of solids or 1,000 United
16 States gallons of liquids or more, whether for profit or otherwise, to
17 a disposal site within this State which does not have approval from the
18 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to
19 accept solid waste for disposal.

20 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
21 a fine of up to \$50,000.00 may be imposed for a violation of this
22 subsection.

23 c. A person is guilty of a crime of the fourth degree if he
24 recklessly:

25 (1) disposes of solid waste, or causes or permits the disposal of
26 solid waste, or otherwise engages in the disposal of solid waste within
27 this State in an amount of at least 10 but less than 100 cubic yards of
28 solids or an amount of at least 250 but less than 1,000 United States
29 gallons of liquids, whether for profit or otherwise, except at a solid
30 waste facility which has received approval from the department
31 pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) or any other place
32 in this State which has authorization from the Department of
33 Environmental Protection to accept solid waste for disposal, as the
34 case may be; or

35 (2) transports or causes or permits to be transported any solid
36 waste in an amount of at least 10 but less than 100 cubic yards of
37 solids or an amount of at least 250 but less than 1,000 United States
38 gallons of liquids, whether for profit or otherwise, to a disposal site
39 within this State which does not have approval from the department
40 pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to accept solid
41 waste for disposal.

42 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
43 a fine of up to \$25,000.00 may be imposed for a violation of this
44 subsection.

45 d. A person who knowingly or recklessly engages in the collection
46 of solid waste, whether for profit or otherwise, in violation of the

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1 requirements of section 5 of P.L.1970, c.39 (C.13-1E-5), is guilty of
2 an offense.

3 It is a crime of the third degree if the amount of solid waste
4 collected is in the amount of 100 cubic yards of solids or 1,000 United
5 States gallons of liquids or more, and it is a crime of the fourth degree
6 if the amount of solid waste collected is at least 10 but less than 100
7 cubic yards of solids or at least 250 but less than 1,000 United States
8 gallons of liquids.

9 e. A prosecution for a violation of the provisions of this section
10 shall be commenced within ten years of the date of discovery of the
11 violation.

12 f. The quantity of solid waste involved in an offense under this
13 section shall be determined by the trier of fact. The quantity of solid
14 waste involved in offenses committed pursuant to one scheme or
15 course of conduct, whether at one or several locations, may be
16 aggregated in determining the degree of the offense.

17

18 6. R.S.40:49-5 is amended to read as follows:

19 40:49-5. The governing body may prescribe penalties for the
20 violation of ordinances it may have authority to pass, by one or more
21 of the following: imprisonment in the county jail or in any place
22 provided by the municipality for the detention of prisoners, for any
23 term not exceeding 90 days; or by a fine not exceeding \$1,250; or by
24 a period of community service not exceeding 90 days.

25 The governing body may prescribe that for the violation of any
26 particular ordinance at least a minimum penalty shall be imposed which
27 shall consist of a fine which may be fixed at an amount not exceeding
28 \$100.00.

29 The governing body may prescribe that for the violation of an
30 ordinance pertaining to unlawful solid waste disposal at least a
31 minimum penalty shall be imposed which shall consist of a fine which
32 may be fixed at an amount not exceeding \$2,500 or a maximum
33 penalty by a fine not exceeding \$10,000.

34 The court before which any person is convicted of violating any
35 ordinance of a municipality shall have power to impose any fine, term
36 of imprisonment, or period of community service not less than the
37 minimum and not exceeding the maximum fixed in such ordinance.

38 Any person who is convicted of violating an ordinance within one
39 year of the date of a previous violation of the same ordinance and who
40 was fined for the previous violation, shall be sentenced by a court to
41 an additional fine as a repeat offender. The additional fine imposed by
42 the court upon a person for a repeated offense shall not be less than
43 the minimum or exceed the maximum fine fixed for a violation of the
44 ordinance, but shall be calculated separately from the fine imposed for
45 the violation of the ordinance.

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1 Any municipality which chooses not to impose an additional fine
2 upon a person for a repeated violation of any municipal ordinance may
3 waive the additional fine by ordinance or resolution.

4 Any person convicted of the violation of any ordinance may, in the
5 discretion of the court by which he was convicted, and in default of the
6 payment of any fine imposed therefor, be imprisoned in the county jail
7 or place of detention provided by the municipality, for any term not
8 exceeding 90 days, or be required to perform community service for
9 a period not exceeding 90 days.

10 (cf: P.L.2001, c.274)

11
12 7. Section 2-4 of P.L.1950, c.210 (C.40:69A-29) is amended to
13 read as follows:

14 2-4. Each municipality governed by an optional form of
15 government pursuant to this act shall, subject to the provisions of this
16 act or other general laws, have full power to:

17 (a) Organize and regulate its internal affairs, and to establish, alter,
18 and abolish offices, positions and employments and to define the
19 functions, powers and duties thereof and fix their terms, tenure and
20 compensation;

21 (b) Adopt and enforce local police ordinances of all kinds and
22 impose one or more of the following penalties: fines not exceeding
23 ~~[\$1,000.00]~~ \$1,250.00 or imprisonment for any term not exceeding
24 90 days, or a period of community service not exceeding 90 days for
25 the violation thereof; prescribe that for the violation of particular
26 ordinances at least a minimum penalty shall be imposed which shall
27 consist of a fine which may be fixed at an amount not exceeding
28 \$100.00; prescribe that for the violation of an ordinance pertaining to
29 unlawful solid waste disposal at least a minimum penalty shall be
30 imposed which shall consist of a fine which may be fixed at an amount
31 not exceeding \$2,500 or a maximum penalty by a fine not exceeding
32 \$10,000; to construct, acquire, operate or maintain any and all public
33 improvements, projects or enterprises for any public purpose, subject
34 to referendum requirements otherwise imposed by law, and to exercise
35 all powers of local government in such manner as its governing body
36 may determine;

37 (c) Sue and be sued, to have a corporate seal, to contract and be
38 contracted with, to buy, sell, lease, hold and dispose of real and
39 personal property, to appropriate and expend moneys, and to adopt,
40 amend and repeal such ordinances and resolutions as may be required
41 for the good government thereof;

42 (d) Exercise powers of condemnation, borrowing and taxation in
43 the manner provided by general law.

44 Any person who is convicted of violating an ordinance within one
45 year of the date of a previous violation of the same ordinance and who
46 was fined for the previous violation, shall be sentenced by a court to

1 an additional fine as a repeat offender. The additional fine imposed by
2 the court upon a person for a repeated offense shall not be less than
3 the minimum or exceed the maximum fine fixed for a violation of the
4 ordinance, but shall be calculated separately from the fine imposed for
5 the violation of the ordinance.

6 Any municipality which chooses not to impose an additional fine
7 upon a person for a repeated violation of any municipal ordinance may
8 waive the additional fine by ordinance or resolution.

9 (cf: P.L.1989, c.114, s.2)

10
11 8. This act shall take effect immediately.

12
13
14 STATEMENT

15
16 This bill increases State and local penalties for unlawful solid waste
17 disposal.

18 The bill provides that a person who transports to, or unlawfully
19 disposes of, large quantities of solid waste within this State at an
20 unauthorized disposal site commits a second degree crime. A large
21 quantity is defined as over 1,000 cubic yards of solids or 10,000
22 gallons of liquids (approximately 50 loads of solids or 200 drums of
23 liquids). Reckless and unlawful disposal of approximately 5 loads of
24 solids or 20 drums of liquids constitutes a third degree crime, while
25 reckless and unlawful disposal of somewhat lesser quantities of solid
26 waste is a fourth degree crime.

27 The reckless and unlawful collection of solid waste is made a crime
28 of the third degree for 100 cubic yards of solids or 1,000 gallons of
29 liquids (approximately 5 loads of solids or 20 drums of liquids), while
30 the reckless and unlawful collection of lesser quantities of solid waste
31 is made a fourth degree crime.

32 These provisions would not apply to any person who transports or
33 causes or permits to be transported any solid waste to a county solid
34 waste facility which is located outside of the county from which the
35 solid waste has originated.

36 This bill also provides for increased penalties for violations of
37 municipal ordinances pertaining to unlawful solid waste disposal.

38 This bill amends R.S.40:49-5 and N.J.S.A.40:69A-29 to increase
39 from \$100 to \$2,500 the minimum fine and from \$1,250 to \$10,000
40 the maximum fine that can be imposed for the first violation of a
41 municipal ordinance pertaining to unlawful solid waste disposal.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2801

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2002

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2801.

As amended by the committee, this bill increases State and local penalties for unlawful solid waste disposal.

The bill provides that a person who transports to, or unlawfully disposes of, large quantities of solid waste within this State at an unauthorized disposal site commits a second degree crime. A large quantity is defined as over 1,000 cubic yards of solids or 10,000 gallons of liquids (approximately 50 loads of solids or 200 drums of liquids). Reckless and unlawful disposal of approximately 5 loads of solids or 20 drums of liquids constitutes a third degree crime, while reckless and unlawful disposal of somewhat lesser quantities of solid waste is a fourth degree crime.

The reckless and unlawful collection of solid waste is made a crime of the third degree for 100 cubic yards of solids or 1,000 gallons of liquids (approximately 5 loads of solids or 20 drums of liquids), while the reckless and unlawful collection of lesser quantities of solid waste is made a fourth degree crime.

This bill also provides for increased penalties for violations of municipal ordinances pertaining to unlawful solid waste disposal.

This bill amends R.S.40:49-5 and N.J.S.A.40:69A-29 to increase from \$100 to \$2,500 the minimum fine and from \$1,250 to \$10,000 the maximum fine that can be imposed for the first violation of a municipal ordinance pertaining to unlawful solid waste disposal.

The committee adopted technical and clarifying amendments to the bill.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 2801

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Environment Committee reports favorably Assembly Bill No. 2801 (2R).

Assembly Bill No. 2801 (2R) increases State and local penalties for unlawful solid waste disposal.

Under current law, a person who transports to, or unlawfully disposes of, small quantities of solid waste within this State at an unauthorized disposal site commits a disorderly persons offense. A small quantity is defined as over 0.148 cubic yards of solids or 30 gallons of liquids (approximately one 30-gallon rubbish container). Anyone convicted of a violation of this statute is subject to a fine of not less than \$2,500 for a first offense, not more than \$5,000 for a second offense and not more than \$10,000 for a third and every subsequent offense.

Under the bill:

(1) A person who knowingly transports to, or unlawfully disposes of, over 1,000 cubic yards or 10,000 gallons of solid waste (approximately 50 loads of solids or 200 drums of liquids) within this State at an unauthorized disposal site commits a second degree crime.

(2) A person who recklessly transports to, or unlawfully disposes of, over 100 cubic yards or 1,000 gallons of solid waste (approximately 5 loads of solids or 20 drums of liquids) within this State at an unauthorized disposal site commits a third degree crime.

(3) A person who knowingly transports to, or unlawfully disposes of, between 10 and 100 cubic yards or between 250 and 1,000 gallons of solid waste (approximately 1/2 - 5 loads of solids or 5 - 20 drums of liquids) within this State at an unauthorized disposal site commits a third degree crime.

A fine of up to \$50,000 may be imposed for any of the foregoing violations.

The bill provides that a person who recklessly transports to, or unlawfully disposes of, between 10 and 100 cubic yards or between 250 and 1,000 gallons of solid waste (approximately 1/2 - 5 loads of solids or 5 - 20 drums of liquids) within this State at an unauthorized disposal site commits a fourth degree crime and is subject to a fine of up to \$25,000.

The bill provides further that a person who knowingly or recklessly engages in the unlawful collection of solid waste, whether for profit or otherwise, is guilty of an offense.

It is a crime of the third degree if the amount of solid waste unlawfully collected is over 100 cubic yards or 1,000 gallons of solid waste (approximately 5 loads of solids or 20 drums of liquids). A fine of up to \$15,000 may be imposed on any person convicted of this offense.

It is a crime of the fourth degree if the amount of solid waste unlawfully collected is between 10 - 100 cubic yards of solids or between 250 - 1,000 gallons of solid waste (approximately 1/2 - 5 loads of solids or 5 - 20 drums of liquids). A fine of up to \$10,000 may be imposed on any person convicted of this offense.

These provisions would not apply to any person who transports or causes or permits to be transported any solid waste to a county solid waste facility which is located outside of the county from which the solid waste has originated.

This bill also provides for increased penalties for violations of municipal ordinances pertaining to unlawful solid waste disposal. The provisions of R.S.40:49-5 and N.J.S.A.40:69A-29 are amended to increase from \$100 to \$2,500 the minimum fine and from \$1,250 to \$10,000 the maximum fine that can be imposed for the first violation of a municipal ordinance pertaining to unlawful solid waste disposal.

Assembly Bill No. 2801 (2R) is identical to Senate Bill No. 1831 (1R).

SENATE, No. 1831

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2002

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

SYNOPSIS

Provides criminal penalties for unlawful solid waste disposal.

CURRENT VERSION OF TEXT

As introduced.



S1831 INVERSO

2

1 AN ACT concerning unlawful solid waste disposal, amending and
2 supplementing P.L.1970, c.39, and amending P.L.1989, c.118,
3 R.S.40:49-5 and P.L.1950, c.210.

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

7
8 1. Section 3 of P.L.1970, c.39 (C.13:1E-3) is amended to read as
9 follows:

10 3. [For purposes of this act, unless the context clearly requires a
11 different meaning] As used in this act:

12 [a.] "Solid waste" means garbage, refuse, and other discarded
13 materials resulting from industrial, commercial and agricultural
14 operations, and from domestic and community activities, and shall
15 include all other waste materials including liquids, except for [solid
16 animal and vegetable wastes] source separated recyclable materials or
17 source separated food waste collected by [swine] livestock producers
18 [licensed] approved by the State Department of Agriculture to collect,
19 prepare and feed such wastes to [swine] livestock on their own farms.

20 [b.] "Solid waste collection" means the activity related to pick-up
21 and transportation of solid waste from its source or location to a
22 [transfer station or other authorized] solid waste facility or other
23 destination.

24 [c.] "Disposal" means the storage, treatment, utilization,
25 processing, resource recovery of, or the discharge, deposit, injection,
26 dumping, spilling, leaking or placing of any solid or hazardous waste
27 into or on any land or water, so that the solid or hazardous waste or
28 any constituent thereof may enter the environment or be emitted into
29 the air or discharged into any waters, including groundwaters.

30 [d.] "Solid waste management" includes all activities related to the
31 collection [and] or disposal of solid waste by any person engaging in
32 any such process.

33 [e.] "Council" means the Advisory Council on Solid Waste
34 Management.

35 [f.] "Department" means the State Department of Environmental
36 Protection.

37 [g.] "Commissioner" means the Commissioner of Environmental
38 Protection in the State Department of Environmental Protection.

39 [h.] "Solid waste facilities" [mean] means and [include] includes
40 the plants, structures and other real and personal property acquired,
41 constructed or operated or to be acquired, constructed or operated by,
42 or on behalf of, any person, public authority or county pursuant to the

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.

S1831 INVERSO

1 provisions of P.L.1970, c.39 (C.13:1E-1 et seq.)[, P.L.1970, c.40
2 (C.48:13A-1 et seq.)] or any other act, including transfer stations,
3 incinerators, resource recovery facilities, sanitary landfill facilities or
4 other plants for the disposal of solid waste, and all vehicles, equipment
5 and other real and personal property and rights therein and
6 appurtenances necessary or useful and convenient for the collection or
7 disposal of solid waste in a sanitary manner.

8 [i.] "Public authority" means [any solid waste management
9 authority created pursuant to the "solid waste management authorities
10 law," P.L.1968, c.249 (C.40:66A-32 et seq.);] a municipal or county
11 utilities authority created pursuant to the "municipal and county
12 utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.);
13 [incinerator authority created pursuant to the "incinerator authorities
14 law," P.L.1948, c.348 (C.40:66A-1 et seq.);] a county improvement
15 authority created pursuant to the "county improvement authorities
16 law," P.L.1960, c.183 (C.40:37A-44 et seq.)[,] ; a pollution control
17 financing authority created pursuant to the "New Jersey Pollution
18 Control Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or any
19 other public body corporate and politic created for solid waste
20 management purposes in any county [or municipality], pursuant to the
21 provisions of any law.

22 [j.] "Hackensack Meadowlands District" means the area within the
23 jurisdiction of the [Hackensack] New Jersey Meadowlands
24 [Development] Commission created pursuant to the provisions of the
25 "Hackensack Meadowlands Reclamation and Development Act,"
26 P.L.1968, c.404 (C.13:17-1 et seq.).

27 [k.] "Hackensack Commission" means the [Hackensack] New
28 Jersey Meadowlands [Development] Commission created pursuant to
29 the provisions of the "Hackensack Meadowlands Reclamation and
30 Development Act," P.L.1968, c.404 (C.13:17-1 et seq.).

31 [l. (Deleted by amendment, P.L.1990, c.113)

32 m. (Deleted by amendment, P.L.1990, c.113)

33 n.] "Public sewage treatment plant" means any structure or
34 structures required to be approved by the department pursuant to
35 P.L.1977, c.224 (C.58:12A-1 et seq.) or P.L.1977, c.74 (C.58:10A-1
36 et seq.), by means of which domestic wastes are subjected to any
37 artificial process in order to remove or so alter constituents as to
38 render the waste less offensive or dangerous to the public health,
39 comfort or property of any of the inhabitants of this State, before the
40 discharge of the plant effluent into any of the waters of this State; this
41 definition includes plants for the treatment of industrial wastes, as well
42 as a combination of domestic and industrial wastes.

43 [o.] "Resource recovery" means the collection, separation, recycling
44 and recovery of metals, glass, paper and other materials for reuse; or
45 the incineration of solid waste for energy production and the recovery

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1 of metals and other materials for reuse.

2 "Resource recovery facility" means a solid waste facility
3 constructed and operated for the incineration of solid waste for energy
4 production and the recovery of metals and other materials for reuse;
5 or a mechanized composting facility, or any other solid waste facility.

6 [p. (Deleted by amendment, P.L.1990, c.113)

7 q.] "Sanitary landfill facility" means a solid waste facility at which
8 solid waste is deposited on or in the land as fill for the purpose of
9 permanent disposal or storage for a period exceeding six months,
10 except that it shall not include any waste facility approved for disposal
11 of hazardous waste.

12 [r.] "Transfer station" means a solid waste facility at which solid
13 waste is transferred from a solid waste collection vehicle to a
14 [licensed] registered solid waste haulage vehicle, including a rail car,
15 for transportation to an offsite sanitary landfill facility, resource
16 recovery facility, or [other destination] designated out-of-state
17 disposal site for disposal[, except that a "transfer station" shall not
18 include any solid waste facility at which solid waste is received for
19 onsite transfer, and processing or disposal utilizing facility-owned or
20 operated equipment and vehicles operated therefor].

21 (cf: P.L.1990, c.113, s.4)

22

23 2. Section 4 of P.L.1970, c.39 (C.13:1E-4) is amended to read as
24 follows:

25 4. [a.] The department shall have power to supervise solid waste
26 collection activities, solid waste facilities and solid waste disposal
27 [facilities or] operations, and shall in the exercise of [such] this
28 supervision require the registration of [new and existing] all solid
29 waste collection activities, solid waste facilities and solid waste
30 disposal [facilities and] operations[; and] in this State. The
31 department may exempt from the requirement of registration any class
32 of solid waste collection activity, solid waste facility or solid waste
33 disposal [facility or] operation if the department determines that the
34 exemption is necessitated by the public interest.

35 b. The department in reviewing the registration statement for a new
36 solid waste collection [operation or] activity, solid waste [disposal]
37 facility or disposal operation and in determining the conditions under
38 which it may be approved, shall not approve the registration of any
39 new [operation or facility] solid waste collection activity, solid waste
40 facility or disposal operation that does not conform to the district solid
41 waste management plan of the [solid waste management] district in
42 which [such operation or facility] the proposed solid waste collection
43 activity, solid waste facility or disposal operation is to be located, as
44 [such] the relevant district plan shall have been approved by the
45 department as hereinafter provided. [Prior to the approval by the

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1 department of the solid waste management plan of any solid waste
2 management district, the department may grant approval to any new
3 solid waste collection or disposal operation or facility planned to be
4 located in any such district and that district shall include said operation
5 or facility in its plan.]

6 (cf: P.L.1975, c.326, s.5)

7

8 3. Section 5 of P.L.1970, c.39 (C.13:1E-5) is amended to read as
9 follows:

10 5. a. [Unless exempted by the department, no] No person shall
11 [hereafter engage or continue to] engage in the collection or disposal
12 of solid waste in this State without first filing [a] an application for a
13 registration statement or engineering design approval and obtaining
14 approval thereof from the department. A person [engaging] seeking
15 to engage in solid waste disposal shall file a separate application for a
16 registration statement and an engineering design approval for each
17 [disposal] particular solid waste facility [which he operates. The
18 registration statement and engineering design for each disposal facility
19 and approval of same shall be for the duration of the plan].

20 b. The application for a registration statement [and the] or an
21 engineering design approval shall be made on forms provided by the
22 department and shall contain [such] whatever information as may be
23 prescribed by the department. The State and any of its political
24 subdivisions, public agencies and public authorities shall be deemed a
25 person within the meaning of [this act] P.L.1970, c.39 (C.13:1E-1 et
26 seq.).

27 c. [No] The application for a registration statement or an
28 engineering design approval shall not be approved by the department
29 [when in the opinion of] if the department [such] determines that the
30 solid waste collection activity [or disposal] , solid waste facility or
31 solid waste disposal operation will not meet the standards or criteria
32 set forth in [this amendatory and supplementary act] P.L.1970, c.39
33 (C.13:1E-1 et seq.) or in rules or regulations as may be [promulgated
34 under authority of this act or this amendatory and supplementary act]
35 adopted pursuant thereto. The department may require the amendment
36 of an approved registration [when, in its opinion,] statement or
37 engineering design approval if the department determines that the
38 continued solid waste collection activity or continued operation of a
39 solid waste facility in accordance with its approved registration would
40 not meet [the] these standards, criteria or regulations [described
41 herein].

42 (cf: P.L.1975, c.326, s.6)

43

44 4. Section 2 of P.L.1989, c.118 (C.13:1E-9.3) is amended to read
45 as follows:

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1 2. a. No person shall, regardless of intent, engage, or be permitted
2 to engage, in the [collection or] disposal of solid waste in excess of
3 0.148 cubic yards of solids or 30 United States gallons of liquids,
4 whether for profit or otherwise, except at a solid waste facility or an
5 out-of-state disposal site which has authorization from the appropriate
6 state regulatory agency having jurisdiction over solid waste
7 management to accept solid waste for disposal, or any other place in
8 this State which has authorization from the Department of
9 Environmental Protection to accept solid waste for disposal, as the
10 case may be.

11 b. No person shall, regardless of intent, transport or cause or
12 permit to be transported any solid waste in excess of 0.148 cubic yards
13 of solids or 30 United States gallons of liquids, whether for profit or
14 otherwise, except to a solid waste facility or an out-of-state disposal
15 site which has authorization from the appropriate state regulatory
16 agency having jurisdiction over solid waste management to accept
17 solid waste for disposal, or to any other place in this State which
18 [does not have] has authorization from the Department of
19 Environmental Protection to accept solid waste for disposal, as the
20 case may be.

21 c. No person shall, regardless of intent, cause, engage in or be
22 permitted to engage in, the disposal of any amount of solid waste on
23 real property subject to the use, control or ownership of a railroad
24 company, unless such disposal is expressly authorized by the railroad
25 company and approved by the Department of Environmental
26 Protection.

27 d. The provisions of this section shall be enforced by the
28 Department of Environmental Protection and by every relevant
29 municipality, local board of health, or county health department, as the
30 case may be.

31 (cf: P.L.1995, c.11, s.1)

32

33 5. (New section) a. A person is guilty of a crime of the second
34 degree if he knowingly:

35 (1) disposes of solid waste, or causes or permits the disposal of
36 solid waste, or otherwise engages in the disposal of solid waste within
37 this State in the amount of 1,000 cubic yards of solids or 10,000
38 United States gallons of liquids or more, whether for profit or
39 otherwise, except at a solid waste facility which has received approval
40 from the department pursuant to section 5 of P.L.1970, c.39
41 (C.13:1E-5) or any other place in this State which has authorization
42 from the Department of Environmental Protection to accept solid
43 waste for disposal, as the case may be; or

44 (2) transports or causes or permits to be transported any solid
45 waste in the amount of 1,000 cubic yards of solids or 10,000 United
46 States gallons of liquids or more, whether for profit or otherwise, to

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1 a disposal site within this State which does not have approval from the
2 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to
3 accept solid waste for disposal.

4 b. A person is guilty of a crime of the third degree if he recklessly:

5 (1) disposes of solid waste, or causes or permits the disposal of
6 solid waste, or otherwise engages in the disposal of solid waste within
7 this State in the amount of 100 cubic yards of solids or 1,000 United
8 States gallons of liquids or more, whether for profit or otherwise,
9 except at a solid waste facility which has received approval from the
10 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) or any
11 other place in this State which has authorization from the Department
12 of Environmental Protection to accept solid waste for disposal, as the
13 case may be; or

14 (2) transports or causes or permits to be transported any solid
15 waste in the amount of 100 cubic yards of solids or 1,000 United
16 States gallons of liquids or more, whether for profit or otherwise, to
17 a disposal site within this State which does not have approval from the
18 department pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to
19 accept solid waste for disposal.

20 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
21 a fine of up to \$50,000.00 may be imposed for a violation of this
22 subsection.

23 c. A person is guilty of a crime of the fourth degree if he
24 recklessly:

25 (1) disposes of solid waste, or causes or permits the disposal of
26 solid waste, or otherwise engages in the disposal of solid waste within
27 this State in an amount of at least 10 but less than 100 cubic yards of
28 solids or an amount of at least 250 but less than 1,000 United States
29 gallons of liquids, whether for profit or otherwise, except at a solid
30 waste facility which has received approval from the department
31 pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) or any other place
32 in this State which has authorization from the Department of
33 Environmental Protection to accept solid waste for disposal, as the
34 case may be; or

35 (2) transports or causes or permits to be transported any solid
36 waste in an amount of at least 10 but less than 100 cubic yards of
37 solids or an amount of at least 250 but less than 1,000 United States
38 gallons of liquids, whether for profit or otherwise, to a disposal site
39 within this State which does not have approval from the department
40 pursuant to section 5 of P.L.1970, c.39 (C.13:1E-5) to accept solid
41 waste for disposal.

42 Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,
43 a fine of up to \$25,000.00 may be imposed for a violation of this
44 subsection.

45 d. A person who knowingly or recklessly engages in the collection
46 of solid waste, whether for profit or otherwise, in violation of the

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1 requirements of section 5 of P.L.1970, c.39 (C.13-1E-5), is guilty of
2 an offense.

3 It is a crime of the third degree if the amount of solid waste
4 collected is in the amount of 100 cubic yards of solids or 1,000 United
5 States gallons of liquids or more, and it is a crime of the fourth degree
6 if the amount of solid waste collected is at least 10 but less than 100
7 cubic yards of solids or at least 250 but less than 1,000 United States
8 gallons of liquids.

9 e. A prosecution for a violation of the provisions of this section
10 shall be commenced within ten years of the date of discovery of the
11 violation.

12 f. The quantity of solid waste involved in an offense under this
13 section shall be determined by the trier of fact. The quantity of solid
14 waste involved in offenses committed pursuant to one scheme or
15 course of conduct, whether at one or several locations, may be
16 aggregated in determining the degree of the offense.

17

18 6. R.S.40:49-5 is amended to read as follows:

19 40:49-5. The governing body may prescribe penalties for the
20 violation of ordinances it may have authority to pass, by one or more
21 of the following: imprisonment in the county jail or in any place
22 provided by the municipality for the detention of prisoners, for any
23 term not exceeding 90 days; or by a fine not exceeding \$1,250; or by
24 a period of community service not exceeding 90 days.

25 The governing body may prescribe that for the violation of any
26 particular ordinance at least a minimum penalty shall be imposed which
27 shall consist of a fine which may be fixed at an amount not exceeding
28 \$100.00.

29 The governing body may prescribe that for the violation of an
30 ordinance pertaining to unlawful solid waste disposal at least a
31 minimum penalty shall be imposed which shall consist of a fine which
32 may be fixed at an amount not exceeding \$2,500 or a maximum
33 penalty by a fine not exceeding \$10,000.

34 The court before which any person is convicted of violating any
35 ordinance of a municipality shall have power to impose any fine, term
36 of imprisonment, or period of community service not less than the
37 minimum and not exceeding the maximum fixed in such ordinance.

38 Any person who is convicted of violating an ordinance within one
39 year of the date of a previous violation of the same ordinance and who
40 was fined for the previous violation, shall be sentenced by a court to
41 an additional fine as a repeat offender. The additional fine imposed by
42 the court upon a person for a repeated offense shall not be less than
43 the minimum or exceed the maximum fine fixed for a violation of the
44 ordinance, but shall be calculated separately from the fine imposed for
45 the violation of the ordinance.

46 Any municipality which chooses not to impose an additional fine

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1 upon a person for a repeated violation of any municipal ordinance may
2 waive the additional fine by ordinance or resolution.

3 Any person convicted of the violation of any ordinance may, in the
4 discretion of the court by which he was convicted, and in default of the
5 payment of any fine imposed therefor, be imprisoned in the county jail
6 or place of detention provided by the municipality, for any term not
7 exceeding 90 days, or be required to perform community service for
8 a period not exceeding 90 days.

9 (cf: P.L.2001, c.274)

10

11 7. Section 2-4 of P.L.1950, c.210 (C.40:69A-29) is amended to
12 read as follows:

13 2-4. Each municipality governed by an optional form of
14 government pursuant to this act shall, subject to the provisions of this
15 act or other general laws, have full power to:

16 (a) Organize and regulate its internal affairs, and to establish, alter,
17 and abolish offices, positions and employments and to define the
18 functions, powers and duties thereof and fix their terms, tenure and
19 compensation;

20 (b) Adopt and enforce local police ordinances of all kinds and
21 impose one or more of the following penalties: fines not exceeding
22 ~~[\$1,000.00]~~ \$1,250.00 or imprisonment for any term not exceeding
23 90 days, or a period of community service not exceeding 90 days for
24 the violation thereof; prescribe that for the violation of particular
25 ordinances at least a minimum penalty shall be imposed which shall
26 consist of a fine which may be fixed at an amount not exceeding
27 \$100.00; prescribe that for the violation of an ordinance pertaining to
28 unlawful solid waste disposal at least a minimum penalty shall be
29 imposed which shall consist of a fine which may be fixed at an amount
30 not exceeding \$2,500 or a maximum penalty by a fine not exceeding
31 \$10,000; to construct, acquire, operate or maintain any and all public
32 improvements, projects or enterprises for any public purpose, subject
33 to referendum requirements otherwise imposed by law, and to exercise
34 all powers of local government in such manner as its governing body
35 may determine;

36 (c) Sue and be sued, to have a corporate seal, to contract and be
37 contracted with, to buy, sell, lease, hold and dispose of real and
38 personal property, to appropriate and expend moneys, and to adopt,
39 amend and repeal such ordinances and resolutions as may be required
40 for the good government thereof;

41 (d) Exercise powers of condemnation, borrowing and taxation in
42 the manner provided by general law.

43 Any person who is convicted of violating an ordinance within one
44 year of the date of a previous violation of the same ordinance and who
45 was fined for the previous violation, shall be sentenced by a court to
46 an additional fine as a repeat offender. The additional fine imposed by

1 the court upon a person for a repeated offense shall not be less than
2 the minimum or exceed the maximum fine fixed for a violation of the
3 ordinance, but shall be calculated separately from the fine imposed for
4 the violation of the ordinance.

5 Any municipality which chooses not to impose an additional fine
6 upon a person for a repeated violation of any municipal ordinance may
7 waive the additional fine by ordinance or resolution.

8 (cf: P.L.1989, c.114, s.2)

9
10 8. This act shall take effect immediately.

11
12
13 STATEMENT
14

15 This bill increases State and local penalties for unlawful solid waste
16 disposal.

17 The bill provides that a person who transports to, or unlawfully
18 disposes of, large quantities of solid waste within this State at an
19 unauthorized disposal site commits a second degree crime. A large
20 quantity is defined as over 1,000 cubic yards of solids or 10,000
21 gallons of liquids (approximately 50 loads of solids or 200 drums of
22 liquids). Reckless and unlawful disposal of approximately 5 loads of
23 solids or 20 drums of liquids constitutes a third degree crime, while
24 reckless and unlawful disposal of somewhat lesser quantities of solid
25 waste is a fourth degree crime.

26 The reckless and unlawful collection of solid waste is made a crime
27 of the third degree for 100 cubic yards of solids or 1,000 gallons of
28 liquids (approximately 5 loads of solids or 20 drums of liquids), while
29 the reckless and unlawful collection of lesser quantities of solid waste
30 is made a fourth degree crime.

31 These provisions would not apply to any person who transports or
32 causes or permits to be transported any solid waste to a county solid
33 waste facility which is located outside of the county from which the
34 solid waste has originated.

35 This bill also provides for increased penalties for violations of
36 municipal ordinances pertaining to unlawful solid waste disposal.

37 This bill amends R.S.40:49-5 and N.J.S.A.40:69A-29 to increase
38 from \$100 to \$2,500 the minimum fine and from \$1,250 to \$10,000
39 the maximum fine that can be imposed for the first violation of a
40 municipal ordinance pertaining to unlawful solid waste disposal.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1831

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2003

The Senate Environment Committee reports favorably Senate Bill No. 1831 with committee amendments.

As amended, Senate Bill No. 1831 increases State and local penalties for unlawful solid waste disposal.

Under current law, a person who transports to, or unlawfully disposes of, small quantities of solid waste within this State at an unauthorized disposal site commits a disorderly persons offense. A small quantity is defined as over 0.148 cubic yards of solids or 30 gallons of liquids (approximately one 30-gallon rubbish container). Anyone convicted of a violation of this statute is subject to a fine of not less than \$2,500 for a first offense, not more than \$5,000 for a second offense and not more than \$10,000 for a third and every subsequent offense.

Under the bill:

(1) A person who knowingly transports to, or unlawfully disposes of, over 1,000 cubic yards or 10,000 gallons of solid waste (approximately 50 loads of solids or 200 drums of liquids) within this State at an unauthorized disposal site commits a second degree crime.

(2) A person who recklessly transports to, or unlawfully disposes of, over 100 cubic yards or 1,000 gallons of solid waste (approximately 5 loads of solids or 20 drums of liquids) within this State at an unauthorized disposal site commits a third degree crime.

(3) A person who knowingly transports to, or unlawfully disposes of, between 10 and 100 cubic yards or between 250 and 1,000 gallons of solid waste (approximately 1/2 - 5 loads of solids or 5 - 20 drums of liquids) within this State at an unauthorized disposal site commits a third degree crime.

A fine of up to \$50,000 may be imposed for any of the foregoing violations.

The bill provides that a person who recklessly transports to, or unlawfully disposes of, between 10 and 100 cubic yards or between 250 and 1,000 gallons of solid waste (approximately 1/2 - 5 loads of solids or 5 - 20 drums of liquids) within this State at an unauthorized disposal site commits a fourth degree crime and is subject to a fine of

up to \$25,000.

The bill provides further that a person who knowingly or recklessly engages in the unlawful collection of solid waste, whether for profit or otherwise, is guilty of an offense.

It is a crime of the third degree if the amount of solid waste unlawfully collected is over 100 cubic yards or 1,000 gallons of solid waste (approximately 5 loads of solids or 20 drums of liquids). A fine of up to \$15,000 may be imposed on any person convicted of this offense.

It is a crime of the fourth degree if the amount of solid waste unlawfully collected is between 10 - 100 cubic yards of solids or between 250 - 1,000 gallons of solid waste (approximately 1/2 - 5 loads of solids or 5 - 20 drums of liquids). A fine of up to \$10,000 may be imposed on any person convicted of this offense.

These provisions would not apply to any person who transports or causes or permits to be transported any solid waste to a county solid waste facility which is located outside of the county from which the solid waste has originated.

This bill also provides for increased penalties for violations of municipal ordinances pertaining to unlawful solid waste disposal. The provisions of R.S.40:49-5 and N.J.S.A.40:69A-29 are amended to increase from \$100 to \$2,500 the minimum fine and from \$1,250 to \$10,000 the maximum fine that can be imposed for the first violation of a municipal ordinance pertaining to unlawful solid waste disposal.

The committee adopted technical and clarifying amendments to the bill. As amended, Senate Bill No. 1831 is identical to Assembly Bill No. 2801 2R.