

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2667

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 1997

The Assembly Environment, Science and Technology Committee favorably reports Assembly Bill No. 2667 with committee amendments.

This bill, as amended by the committee, would revise the statute of limitations for criminal offenses under several of the State's major environmental laws. The bill, as amended, would apply to violations of: the hazardous discharge, hazardous waste, and toxic pollutant provisions of N.J.S.2C:17-2; the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.); the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.); the "Air Pollution Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.); the asbestos law, P.L.1984, c.173 (C.34:5A-32 et seq.); and the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.). Under the bill, as amended by the committee, the statute of limitations for these six laws would be 10 years after the date of discovery of the offense by a local law enforcement agency, a county prosecutor, or the Department of Environmental Protection either directly by any of those entities or indirectly by notice given to any of those entities. The bill as amended also would consolidate the statute of limitations for the six laws within the appropriate section of Title 2C (the New Jersey Code of Criminal Justice).

Under current law, criminal offenses under the hazardous or toxic discharge or waste provisions of N.J.S.2C:17-2, the "Solid Waste Management Act," the "Comprehensive Regulated Medical Waste Management Act," and the asbestos law are subject to a statute of limitations that is set at five years from the date of discovery of the violation. Criminal offenses under the "Air Pollution Control Act (1954)" and the "Water Pollution Control Act" are subject to a statute of limitations that is set at five years from the commission of the offense.