ASSEMBLY TELECOMMUNICATIONS AND UTILITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5663

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Assembly Telecommunications and Utilities Committee reports favorably and with committee amendments Assembly Bill No. 5663.

As amended and reported, this bill would increase the penalties for transporting or disposing of solid waste in excess of 0.148 cubic yards of solids or 30 gallons of liquids except to an authorized solid waste facility or out-of-State disposal site. Under current law, these acts constitute a disorderly persons offense and are subject to a maximum fine of $2,500 for a first offense, $5,000 for a second offense, and $10,000 for subsequent offenses, as well as a term community service with a maximum duration of 90 days. This bill would increase the maximum fines to $5,000 for a first offense, $10,000 for a second offense, and $20,000 for subsequent offenses. The bill would also increase the maximum community service term to 180 days.

The bill would also delete a provision in existing law that prohibits the disposal of any amount of solid waste on real property subject to the use, control or ownership of a railroad company. Under current law, persons found guilty of violating this provision are liable for three times the damages caused by the unlawful disposal together with three times the cleanup costs, attorney's fees, and other reasonable costs expended by a railroad company. This bill would instead provide that persons who unlawfully dispose of solid waste in excess of 0.148 cubic yards of solids or 30 gallons of liquids are liable for the damages described above to the owner of the property on which the unlawful disposal occurred, regardless of whether or not the owner is a railroad company. In addition, under the bill, if a local government unit performs a cleanup of a real property as a result of an unlawful disposal, the person convicted would also be liable to the local government unit in the amount of the costs associated with the cleanup, as well as attorneys' fees.

COMMITTEE AMENDMENTS:

The committee amendments would expand the monetary liability to local government units of a person convicted of certain acts of illegal dumping under the bill, to include attorneys' fees and costs incurred by the local government unit as a result of the illegal dumping, rather than cleanup costs only.