As discussed in our April 23, 2012 Environmental UPDATE, the New Jersey Department of Environmental
Protection (the "Department" or "NJDEP") has adopted a "Waiver Rule" that sets forth limited circumstances in which the Department may, in its discretion, waive the need to comply with certain of its rules. N.J.A.C. 7:1B-1.1 et seq. By adopting the Waiver Rule, the Department has acknowledged that strict compliance with its regulations can sometimes produce unreasonable, unfair or unintended results that may actually undermine, rather than advance, environmental protection and the legislative intent of its enabling statutes or rules. The Waiver Rule was adopted in furtherance of Governor Christie's Executive Order "establishing 'Common Sense Principles' for state rules and regulations that will give this state the opportunity to energize and encourage a competitive economy to benefit businesses and ordinary citizens." While the rule provides relief to parties subject to certain conflicting or unduly burdensome requirements, environmental advocates have chided the adoption of the Waiver Rule as permission to circumvent State regulations that are essential to protection of the environment.

It is important to note that the Waiver Rule does not permit waiver of duties imposed by federal statutes or regulations or those imposed by State statutes, unless those laws specifically provide for a waiver. Moreover, the Department's waiver of strict compliance with one of its rules is limited in scope in that it only waives the rule or portion of the rule specified in the waiver, and does not provide a defense to a judicial or administrative enforcement action for a violation that predates the waiver. Further, where the underlying program rules provide a waiver, variance or exemption provision, the Department encourages potential applicants to seek relief under those provisions before applying for a waiver under the Waiver Rule.

A party seeking to obtain a waiver of compliance with one of the Department's environmental regulatory requirements must submit an application demonstrating that strict compliance should be waived based on at least one of the following four criteria: (1) a conflict between rules adopted by the Department or between a Department rule and the rule of another State agency or federal agency that makes compliance with both rules impossible or impracticable; (2) strict compliance with the rule would be unduly burdensome; (3) the waiver would result in a net environmental benefit that substantially outweighs any detriment that would result from the waiver; or (4) there is a public emergency that has been formally declared.

Demonstration of one or more of these criteria, however, does not guarantee a waiver will be granted; there is no automatic right to a waiver. Waivers will be granted only on a case-by-case basis after review by the Department’s technical staff and approval of the Commissioner. The Guidance document available on the Department's website provides significant detail regarding the type of information that should be submitted to support a waiver application under each of the four waiver criteria. For example, applicants seeking waiver on the basis that a rule is unduly burdensome are instructed to provide a statement detailing how the circumstances give rise to an exceptional hardship, including but not limited to topographic, physical or chemical conditions or features, technical impracticality and cost factors.
While the Waiver Rule was adopted this past spring, in accordance with the rule, the Department did not begin accepting applications from parties seeking waiver from compliance with Department regulations until August 1, 2012. The Department has created an online system that allows an applicant to submit a waiver application electronically and enables the public to review the requests and the Department's decisions. As of early November, the Department has received 14 waiver applications and has agreed to review 11 of these applications; however, the Department has not made a decision regarding any of the applications it has chosen to review, which indicates that, at least in its nascency, the waiver review process is proceeding rather slowly.

A review of the applications published on the Department's website reveals that most applicants have sought waivers of the Department's land use rules. For example, a party remediating a contaminated site under the Industrial Site Recovery Act ("ISRA") submitted a waiver application seeking relief from strict compliance with the Flood Hazard Area Control Act Rules ("Flood Plain Rules") on the basis that such compliance would be incompatible and inconsistent with remediating historic fill. As part of its ISRA case, the applicant sought to implement a typical remedy for historic fill, which consisted of the construction of an eight-inch cap on the property. However, since the site is located within the flood fringe of the Passaic River, it is subject to the Flood Plain Rules that limit the placement of fill material on the property. In order to remediate the site in strict compliance with the Flood Plain Rules, the applicant would have to remove 4,500 tons of historic fill and dispose of it off-site at a cost that would be double that of the cost to construct the typical historic fill remedy. As such, the applicant asserted that strict compliance with the Flood Plain Rules would be unduly burdensome and would yield a remedy that is detrimental to the environment.

A review of the Department's website has also revealed that the Department has refused to process and review a number of applications because of certain deficiencies, including the failure to provide sufficient data to support the waiver and the failure to provide sufficient notice of the waiver in accordance with applicable public notice rules.

It is likely that many parties will be interested in taking advantage of this new rule, including developers and persons remediating contaminated sites. Our attorneys are available to assist persons interested in exploring the possibility of obtaining such relief and are available to answer any questions you may have.

Court Holds Owner of Remediated Property Should Receive Full Market Value in Condemnation Proceeding

In a recent case, the Appellate Division determined that the "special" valuation methodology used in condemnation actions for contaminated property does not apply to a former landfill that had been closed with the approval of the
NJDEP and, therefore, the property owner should receive the full fair market value of its property in the condemnation proceeding. Borough of Paulsboro v. Essex Chemical Corp., Docket No. A-5248-10T4 (App. Div. July 16, 2012). This decision clarifies that an owner of property that has been properly remediated has no further liability for environmental remediation when its property is taken by eminent domain.

In Essex Chemical, the property owner had obtained the NJDEP's approval of its closure plan for a landfill on the property, which included a 40-foot high mound of gypsum. The Borough of Paulsboro appealed when the lower court denied the Borough's application to create an environmental escrow for the cost to remediate the landfill by removing the mound of gypsum. The Borough argued the method employed to value contaminated property under New Jersey Supreme Court precedent should be applied in the condemnation proceedings. Under that methodology, when contaminated property is to be taken the property should be valued "as if remediated" and the proceeds of the condemnation escrowed in order to accomplish the remediation, Housing Authority of New Brunswick v. Suydam Investors, L.L.C, 177 N.J. 2 (2003) and N.J. Transit Corp. v. Cat in the Hat, LLC, 177 N.J. 29 (2003). In upholding the lower court's decision, the Appellate Division found that the property owner was not subject to any additional liability for remediation since the property had been remediated with the NJDEP's approval; therefore, the "special" valuation methodology established by Suydam and Cat in the Hat does not apply. The remediated condition of the property, specifically the 40-foot high mound of gypsum, was taken into account by the valuation experts for both parties when establishing the fair market value of the property, and the cost to remove it could not be considered a remediation cost.

The reasoning in this case should be applicable to other remediated properties, for example, properties that are remediated using engineering and institutional controls (i.e., a cap and a deed notice). The owner of such property should be compensated for the fair market value of the property with the controls, with no funds being withheld to remove the controls since no further remediation is necessary. Thus, under the reasoning of this case, condemning authorities who seek to change the use of remediated property will have to do so at their own expense.

Governor Christie Vetoes Bill That Would Ban Fracking Waste From Entering New Jersey

Proposed Bill A-575/S-253 would have prohibited the treatment, discharge, disposal, or storage of wastewater and other by-products generated by hydraulic fracturing, or "fracking." However, Governor Chris Christie vetoed the bill on September 21st, despite noting the "emotional and heated legislative hearings" on the bill.

Fracking is a process by which natural gas may be extracted from beneath the earth's surface. It involves injecting a mixture of water and chemicals deep into shale formations, causing fractures in the shale through which natural gas
is released. Fracking as a means of energy production is a controversial practice, with its advocates citing economic benefits and energy independence and its opponents fearing that it could result in the contamination of drinking water supplies and the environment.

In his veto message, the Governor set forth three reasons for vetoing the bill. First, he reasoned that fracking is unlikely to occur in New Jersey in the foreseeable future, given the limited amount of frackable shale formations in New Jersey. Indeed, fracking is prohibited in New Jersey at least until January 2013 because the Governor issued a one-year moratorium on fracking in January of this year. Second, the Governor reasoned that such a ban would be premature because the fracking process and its effects are not well understood, the Environmental Protection Agency ("EPA") is not expected to issue its study on the effects of fracking before 2014, and because the potential for advances in this emerging area is not yet known. Finally, the Governor cited constitutional grounds for vetoing the bill. The Governor explained that the bill's invalidity was a "virtual guarantee" in light of the Dormant Commerce Clause of the United States Constitution, which limits a state's ability to regulate interstate commerce.

Environmental advocacy groups, who are concerned that fracking waste could make its way into New Jersey and contaminate drinking water supplies, are urging the Legislature to override the veto of the bill, which had passed both the Assembly and the Senate with bipartisan support. While the future of fracking in New Jersey and the entry of fracking waste into New Jersey from other states, like Pennsylvania and New York, is still uncertain, it likely will continue to be hotly debated in the Legislature and in the public forum.

Permit Extension Act Amended to Provide Further Relief for Development Approvals

The Permit Extension Act ("Act") has been amended to further extend the expiration date of many state and local government permits and land use approvals through at least December 31, 2014, and in some cases through June 30, 2015, depending upon when the permit was originally scheduled to expire.

The Act, originally enacted in 2008 in response to the economic crisis, automatically extended the expiration date of several types of permits and approvals that were set to expire between January 1, 2007 and December 31, 2010. The 2008 law was modified in 2010 to extend those permits and approvals through June 30, 2013. The 2012 amendment further extends existing permits and approvals by statute to provide property owners, builders and developers with additional time to secure financing and find tenants and buyers before they need to apply for any further available administrative extension - a process that is costly and time consuming for both applicants and the issuing authorities.

The Act works by suspending the running of the period of approval for any applicable permit or approval that was valid at any time during January 1, 2007 through December 31, 2014. Beginning January 1, 2015, the period of
approval will resume. Thus, a permit scheduled to expire 90 days after January 1, 2007 will now expire 90 days after December 31, 2014. Permits and approvals that had a period of approval longer than six months before the suspension will expire on June 30, 2015 or on the date they would have expired in the absence of the Act, whichever is later.

Permits and approvals covered by the Act include, for example, pollution discharge elimination system permits, permits issued pursuant to the Coastal Area Facility Review Act, the Wetlands Act of 1970 and the Freshwater Wetlands Protection Act, permits issued pursuant to the Flood Hazard Area Control Act where work has commenced, waterfront development permits, soil erosion and sediment control plans, and most development approvals issued by municipal governments.

Importantly, the new amendment also applies to certain permits and approvals that were not covered under the 2010 amendment, including sewer capacity reservation agreements with sewerage or other governmental authorities, and, with certain exceptions, revives permits and approvals within the Highlands Planning Areas that were not covered under the second amendment to the Act. Permits and approvals in areas within Highlands Planning Areas 4B and 5 that have been designated as a center or growth center in an endorsed plan are covered by the Act, but not the rest of Planning Areas 4B and 5. Permits in towns that have received conformance approval from the Highlands Commission and adopted a master plan, land use ordinance, or environmental resource inventory by May 1, 2012 are not covered by the Act, nor are permits in the Highlands Preservation Area.

The amendment to the Act provides continued relief for development projects which might otherwise have been abandoned due to the current and prolonged economic downturn. Property owners, builders and developers should confirm whether their existing permits and approvals qualify for the extension, and whether any of their permits and approvals in the Highlands Region have been revived by the recent amendment.

**Dimant Revisited**

As previously reported in our Environmental Alert dated October 1, 2012, the Supreme Court of New Jersey recently held in New Jersey Department of Environmental Protection v. Dimant that the NJDEP must prove the presence of a "reasonable connection" between the discharge of a hazardous substance and the damages sought by the Department in order to establish liability under the New Jersey Spill Compensation and Control Act ("Spill Act"). The Court in Dimant engaged in a lengthy discussion intended to clarify the degree of causation the NJDEP is required to prove in Spill Act cases, but such clarification was not truly provided. As well, certain dicta -- language in the opinion that forms part of the discussion but not the actual holding of the case -- has the potential to further muddy previously established principles of Spill Act interpretation.
The Court failed to establish a specific standard of or test for causation, instead reaffirming the current fact-specific inquiry courts have been required to undertake to decide whether a sufficient nexus has been established between a discharge and the resultant harm. While many looked to Dimant to alleviate the burden of a case-specific standard, the Court declined to provide that direction. Instead, it appears to have opted for a more subtle form of guidance, suggesting that causation in contaminant migration cases should follow Castaic Lake Water Agency v. Whittaker Corp., 272 F.Supp. 2d 1053 (C.D. Cal. 2003). Under Castaic, a plaintiff need only identify a contaminant at its property, identify the same contaminant at the defendant’s property and provide evidence of a "plausible migration pathway" between the two; defendant then must demonstrate that migration has not taken place.

The decision is disconcerting to the extent that it confuses or modifies previously established tenets of environmental law. Two such examples include (1) the unfortunate confusion of the concepts of cost recovery and contribution, and (2) the presumably unintentional expansion of the definition of "discharge" by introduction of a "containment" requirement. That is, an action by the Department proceeds under the cost recovery provisions of the Spill Act; a contribution action, by contrast, is an action among responsible parties to allow recovery of monies spent in excess of the remediating party’s share of liability. Regrettably, the Court mischaracterized the Department’s action as one for contribution. The importance of this characterization lies in the different forms of liability imposed in cost recovery and contribution actions, the first being joint and several and the second only several; by seeming to conflate the two types of cases, the Court may cause confusion and uncertainty among lower courts and counsel.

With regard to the definition of "discharge," the language of the Spill Act has been recognized as being reasonably clear in requiring contact between hazardous substances and water or land, resulting in careful examination of whether, as a factual matter, hazardous materials have been "discharged" when they come into contact with man-made, impervious surfaces. The Court ignored that principle, focusing only on the absence of a "structure to contain [the dripping PCE]" and suggesting a "containment" requirement that is not supported by the language in the Spill Act or in prior caselaw.

These and other issues arising from the Dimant opinion will be addressed at greater length in Dennis Krumholz’s article to be published in the March 2013 Environmental Supplement to the New Jersey Law Journal.

California’s Proposed Regulations Could Have Significant Impacts on Chemical Manufacturers Doing Business in that State

California has proposed regulations intended to reduce the use of potentially harmful chemicals in consumer goods
sold in the state. California regulators view the proposed regulations as a potential national model for chemical policy reform. If the proposed regulations are adopted, however, they will place a significant burden on chemical manufacturers conducting business in California, including New Jersey companies, and most likely increase the cost of providing certain products in the state.

The chemical regulations were proposed by the Department of Toxic Substance Control ("DTSC") and are part of California's Green Chemistry Initiative. The regulations require DTSC to identify chemicals of concern ("COCs") based on its own information and information from manufacturers, importers and retailers regarding chemicals used in their products. The DTSC will use this information to develop a Priority Products List, identifying products that contain the COCs. The proposed Initial Priority Products List, which will include no more than five products, will be made available within 180 days after the effective date of the regulations.

A manufacturer that sells or distributes a Priority Product in California will be required to provide notice of such sale or distribution to the DTSC within 60 days of the product being listed. Accordingly, a New Jersey company that sells or distributes a Priority Product in California will be impacted by these pending regulations. After providing notice, the manufacturer is required to conduct an alternative analysis of the product to determine how best to limit exposure and potential health, safety and environmental impacts from the COCs found in the product. From this alternative analysis, the manufacturer must determine whether it is going to replace or modify the product or continue to manufacture, sell or distribute it. The manufacturer must submit the alternative analysis report to the DTSC. After receiving and reviewing the report, the DTSC will determine whether any regulatory response is required. These requirements may be fulfilled by a consortium, trade association or other entity acting on behalf of one or more responsible manufacturers.

It is yet to be determined whether the regulations would withstand a Constitutional challenge under the commerce clause or whether federal regulations under the Toxic Substance Control Act would preempt the California regulations. If the regulations are implemented, however, manufacturers that conduct business in California, including companies located in New Jersey, will be facing a complex regulatory scheme that is sure to increase the time and money necessary to sell products in California.

The Supreme Court Refuses to Hear Case Limiting Section 107 CERCLA Claims

The United States Supreme Court denied a petition for a writ of certiorari to consider the Eleventh Circuit decision in Solutia, Inc. v. McWane, Inc., 672 F.3d 1230 (11th Cir. 2012), in which the Court held that a party cannot bring a Section 107 claim to recover cleanup costs for a contaminated site under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") if that party is subject to a consent decree.
The dispute in Solutia has been raised in courts throughout the country and revolves around the type of relief permitted by CERCLA. Under Section 107, parties may recover cleanup costs they incurred from other responsible parties on a joint and several liability basis. Claims pursuant to Section 113, however, are limited to contribution and several liability. In Solutia, the plaintiffs filed claims under both Sections 107 and 113 even though they had entered into a consent decree with the EPA. The Eleventh Circuit, agreeing with decisions from the Second, Third and Eighth Circuits, found that Section 113 contribution claims are the exclusive remedy for a party seeking to recover costs incurred pursuant to an administrative or judicial settlement. The Solutia court based its decision on: (1) the language of CERCLA; (2) the differences in the statute of limitations applicable to Sections 107 and 113 claims; and (3) the fact that entities, such as the defendants, sued by parties that have entered into a consent decree and received contribution protection, would have no contribution counterclaim if a Section 107 claim is permitted.

In Solutia, the plaintiffs were provided contribution protection when they entered into the consent decree with the EPA. Thus, if the plaintiffs were allowed to assert Section 107 joint and several liability claims, the defendants would be unable to assert contribution counterclaims, leaving them with no relief even though they too had settled their liability with the EPA. The Eleventh Circuit, unwilling to accept this outcome, denied the availability of a Section 107 remedy to a party that has entered into a consent decree with the EPA. The Supreme Court has now refused to hear an appeal of the Solutia decision, suggesting that entities that have entered into a settlement with the EPA may be limited to Section 113 contribution claims when bringing a CERCLA action.

**Recent Decision Confirms Spill Act Liability of Pre-1993 Purchasers**

A long overdue clarification to the liability of pre-1993 purchasers of contaminated property under the Spill Act was provided by the Appellate Division in its October 29, 2012 decision in New Jersey Schools Development Authority v. Marcantuone, 428 N.J.Super. 546, 54 A.3d 830 (App.Div. 2012). In reversing the lower court’s grant of summary judgment and dismissal of plaintiff’s complaint in an action to recover monies spent for remediation from the owner of real property at the time of condemnation, the Court held that pre-1993 purchasers of contaminated real property were liable under the Spill Act unless they could establish the elements of the innocent purchaser defense.

The Court’s statement that “[a]lthough it may seem counterintuitive to infer liability from legislation establishing an affirmative defense, logic dictates that that is the case,” addressed lingering uncertainty about the liability of such pre-1993 purchasers of contaminated real property given the existence of an affirmative defense to liability without an express statement of underlying liability within the statute. This decision puts that argument to rest - simply put, had
the Legislature not presupposed liability, it would not have created the affirmative defense. This assessment is supported by the Court's acknowledgement of the fact that the amendments to the Spill Act that established the innocent purchaser defense for post-1993 purchasers, at N.J.S.A. 58:10-23.11g(d)(2), and for pre-1993 purchasers, at N.J.S.A. 58:10-23.11g(d)(5), were meant to be read together and thus revealed the "Legislature's acknowledgement of the underlying liability these affirmative defenses were intended to counteract." In so doing, the Court acknowledged the plaintiff's argument that reliance on the decision in White Oak Funding, Inc. v. Winning, 341 N.J.Super. 294 (App.Div.), certif. denied, 170 N.J. (2001), to support a finding of no liability for parties who purchased subsequent to contamination but prior to 1993 was misplaced, as that decision was at least partially superseded by the amendments to the Spill Act establishing the innocent purchaser defense. Prior to this decision, some parties had attempted to argue that the decision in White Oak Funding supported non-liability for pre-1993 purchasers of previously contaminated real property who had failed to conduct pre-purchase due diligence investigations, asserting that such parties were neither "dischargers" nor "in any way responsible." This case removes that argument from a party's arsenal.

In addition to clarifying the liability of pre-1993 purchasers of contaminated real property, the decision in Marcantuone also affirmed the approach to valuing potentially contaminated condemnation sites established by the Supreme Court in Housing Authority of the City of New Brunswick v. Suydam Investors, L.L.C., 177 N.J. 2 (2003). In Suydam the Court explained that the condemnee receives fair compensation for the property, valued as if remediated, with the amount of the cost to remediate held in escrow; should the true cost to remediate exceed the escrow amount, a subsequent action shall be commenced, such as this cost recovery action.

?Regulatory Updates

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Graduation Day for Environmental Training Program

On July 9, 2012 the students of the Camden Environmental Workforce Training Program (the "Program") became the first graduates of the environmental jobs training program created by the Christie Administration. The Program's primary aim is to target the unemployed and underemployed in Camden and train them in the remediation profession.

Over the next two years, an additional 48 students will be trained at Camden County College in areas such as environmental sampling and remediation, solid waste management and cleanup awareness, UST awareness and green technologies for remediation redevelopment. The program was established with a grant in the sum of $300,000, which was awarded by the EPA to the NJDEP's Office of Sustainability and Green Energy ("SAGE").
Urban Recycling Summit Aimed At Helping Reach Statewide Recycling Goal

On the twenty-fifth anniversary of the Mandatory Recycling Act, an act originally signed into law by Governor Thomas J. Kean in 1987, New Jersey remains an estimated 1.1 million tons of recycled material every year short of the 50% recycling goal set by Governor Jim Florio. In 2010, New Jersey achieved a 40% recycling rate for municipal waste.

In an effort to help municipalities develop improved recycling practices, as well as assisting the State of New Jersey in reaching its 50% recycling goal, the NJDEP's Solid Waste Program and the New Jersey Solid Waste Advisory Council hosted an Urban Recycling Summit on June 12, 2012. NJDEP Commissioner Bob Martin called on all the state's municipalities to assist their economy and the environment by maximizing their recycling efforts. Deputy Assistant Commissioner for Environmental Management, Jane Koziniski, commented that various strategies examined at the summit may shape future policy on recycling and bring about successful recycling services in urban communities.

Storage of recyclables due to a lack of space, narrow streets and lack of off-the-street parking are some of the many factors that contribute to difficulties associated with the provision of recycling services in cities and urban areas, which can lead to an increase in costs. Materials which are not recycled cost the State of New Jersey between $75-80 million in solid waste disposal every year.

$29 Million in Cleanup Costs Recovered by the State

The culmination of aggressive enforcement of New Jersey's environmental laws by the NJDEP and the Division of Law recovered $29,939,907, the highest environmental cleanup recovery in one fiscal year since the State began to track it in 1992. NJDEP Commissioner Bob Martin opined that aggressive enforcement of environmental laws is necessary to ensure that those responsible for causing the contamination bear the cost of remediation, not taxpayers. The bulk of the cost recovery monies stemmed from two major settlements, together amounting to $28 million.

For further information please visit www.njdep.gov.
$2.8 Million For Newark and Jersey City To Be Cleaned Up and Revitalized

On May 31, 2012, the cities of Newark and Jersey City became the latest beneficiaries of funding by the EPA through the Brownfield program, a program which, since its creation by Congress in 2002, has assisted communities with the cleanup, redevelopment and reuse of properties that are contaminated.

$2.8 million has been awarded for the cleanup of abandoned and contaminated sites in both cities. Newark and The Jersey City Redevelopment Agency will utilize $600,000 and $750,000 respectively for the cleanup of sites which are contaminated with hazardous substances. The Jersey City Redevelopment Agency has been awarded a further $928,090 for a revolving loan fund, which will in turn provide loans and sub-grants to remediate contaminated sites.

According to the EPA, investments through their Brownfield program have influenced more than $16.3 billion in cleanup and redevelopment funding and created approximately 70,000 jobs. For more information please visit www.epa.gov/brownfields.

SmartWay Excellence Awards

On October 9, 2012, the EPA honored 40 companies in the freight industry for their commitment to reducing harmful freight transportation emissions through technological innovation. The 2012 SmartWay Excellence Awards promote the reduction of harmful emissions resulting from moving freight more efficiently.

SmartWay prides itself on clean air achievements in the form of reductions of 23.6 million metric tons of carbon dioxide, 478,000 tons of nitrogen oxides and 22,000 tons of particulate matter since 2004.

Participants have benefited from $6.5 billion in fuel savings as well as promoting energy independence for the U.S. by saving 55 million barrels of oil. According to the EPA, the SmartWay Excellence Award recipients are proving it is possible to move more goods, more miles with lower emissions, less energy and at a lower cost.

For more information please see www.epa.gov/smartway.

Legislative Updates

Recently Introduced Environmental Bills
A3262/S2208 Amends Flood Hazard Area Control Act to require the NJDEP to take certain actions concerning delineations of flood hazard areas and floodways. Status: Pending in Assembly Appropriations Committee; pending in Senate Environment and Energy Committee.

A3367/S2332 Requires owner or operator of industrial establishment applying for de minimis quantity exemption from Industrial Site Recovery Act to certify as to no actual knowledge of contamination exceeding remediation standards. Status: Out of Assembly Environment and Solid Waste Committee; second reading in the Assembly; to be introduced in Senate.

**Status Update on Certain Environmental Bills**

S2223 Removes provision permitting dismissal of de minimis violations for offenses involving corruption of public resources. Status: Pending in Senate Judiciary Committee; identical to A3007 pending in Assembly State Government Committee.

A2395/S1246 Changes priorities for financial assistance from Hazardous Discharge Site Remediation Fund. Status: S1246 substituted by A2395; conditional veto, second reading in the Assembly on concurrence with Governor's recommendations.