

CHAPTER 80**SOLID AND HAZARDOUS WASTE
INFORMATION AWARDS****Authority**

N.J.S.A. 13:1E-9.2, 13:1E-48.24, 13:1E-67b,
13:1E-191b and 58:10A-49c.

Source and Effective Date

R.2006 d.62, effective January 13, 2006.
See: 37 N.J.R. 2348(a), 38 N.J.R. 1223(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 80, Solid and Hazardous Waste Information Awards, expires on July 12, 2011. See: 43 N.J.R. 154(a).

Chapter Historical Note

Chapter 80, Solid and Hazardous Waste Information Awards, was adopted as R.1990 d.471, effective September 17, 1990. See: 21 N.J.R. 2911(a), 22 N.J.R. 2999(a).

Pursuant to Executive Order No. 66(1978), Chapter 80, Solid and Hazardous Waste Information Awards, was readopted as R.1995 d.536, effective September 12, 1995. See: 27 N.J.R. 2678(a), 27 N.J.R. 3973(b).

Pursuant to Executive Order No. 66(1978), Chapter 80, Solid and Hazardous Waste Information Awards, was readopted as R.2000 d.390, effective August 31, 2000. See: 32 N.J.R. 2383(b), 32 N.J.R. 3580(a).

Chapter 80, Solid and Hazardous Waste Information Awards, was readopted by R.2006 d.62, effective January 13, 2006. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GUIDELINES FOR THE
IMPLEMENTATION OF THE SOLID AND
HAZARDOUS WASTE AWARD PROGRAMS****13:80-1.1 Purpose and authority**

(a) The purpose of this subchapter is to prescribe rules authorized by and pursuant to N.J.S.A. 13:1E-9.2, 48.24, 67b, 191b and N.J.S.A. 58:10A-49c, in order to implement the

provisions of N.J.S.A. 13:1E-9.2, 48.24, 67a, 191a and N.J.S.A. 58:10A-49c.

Amended by R.2006 d.62, effective February 21, 2006.
See: 37 N.J.R. 2348(a), 38 N.J.R. 1223(a).

In introductory paragraph (a), deleted “which respectively provide as follows.”; deleted (a)1 through 5.

13:80-1.2 Definitions

For the purpose of this subchapter, the terms set forth in N.J.S.A. 13:1E-67a, N.J.S.A. 13:1E-191a, N.J.S.A. 58:10A-49, N.J.S.A. 13:1E-48.24 and N.J.S.A. 13:1E-9.2, are defined as follows:

“Information which proximately results” means information which in an ordinary natural sequence results in either an arrest, conviction and imposition and collection of a criminal fine or the imposition and collection of a civil penalty. For the purposes of award eligibility, in no case shall this term include information obtained exclusively from any public record or received as a result of either a plea bargain or compulsory legal process.

“Penalty” means any fine imposed for any criminal conviction for either the illegal treatment, storage or disposal of hazardous waste or the illegal treatment, transport, storage or disposal of low-level radioactive waste; illegal treatment, storage, transportation or disposal of medical waste; or illegal discharge of certain material into the ocean waters; any penalty imposed pursuant to any civil action brought for the illegal treatment, storage, transportation or disposal of solid, hazardous or medical waste; or any penalties assessed for violating an administrative order or court order, or failure to pay in full an administrative assessment filed pursuant to N.J.S.A. 13:1E-9.2 and 48.24.

“Person” means any natural person or any corporation, partnership or other form of business association, but, for purposes of award eligibility, in no case shall this term include any public employee, his immediate family or any persons residing within the public employee’s household, or any State, county or municipal entity whose duty it is to insure compliance with, investigate or enforce these laws and regulations.

Amended by R.2006 d.62, effective February 21, 2006.
See: 37 N.J.R. 2348(a), 38 N.J.R. 1223(a).
Rewrote definition “Penalty.”

13:80-1.3 Responsibility

(a) The Division of Criminal Justice, in the Department of Law and Public Safety, has been designated by the Attorney General the responsibility of receiving and considering information pursuant to the provisions of N.J.S.A. 13:1E-9.2, 48.24, 67a and 191a and N.J.S.A. 58:10A-49. The Division of Criminal Justice shall be responsible for reviewing applications for awards, determining whether or not any application should be approved and award granted and forwarding the information and its recommendation to the Attorney Gen-

eral's designee who shall approve all awards. In the performance of these functions, the Division of Criminal Justice is authorized to propose and adopt guidelines and procedures, such as those set forth herein, for the processing of applications under this section. The Division of Criminal Justice is further authorized to establish committees which will assist in the administration of this award program.

(b) The address to contact the Division of Criminal Justice is:

Division of Criminal Justice
Environmental Crimes Bureau
Richard J. Hughes Justice Complex
25 Market Street
PO Box 085
Trenton, New Jersey 08625-0085

Amended by R.1995 d.536, effective October 16, 1995.
See: 27 N.J.R. 2678(a), 27 N.J.R. 3973(b).
Amended by R.2000 d.390, effective October 2, 2000.
See: 32 N.J.R. 2383(b), 32 N.J.R. 3580(a).
Inserted designation for (a); and added (b).

13:80-1.4 Application procedure—criminal

(a) An application in a criminal proceeding requires the completion of Information Form DCJ 13-58 prescribed by the Division of Criminal Justice. This form must be completed and signed by personal appearance of the applicant (or in the case of an entity, its authorized representative), at the Environmental Crimes Bureau of the Division of Criminal Justice or at the county prosecutor's office in the county where the offense is alleged to have occurred. The county prosecutor's office shall forward a copy of each completed application to the Environmental Crimes Bureau of the Division of Criminal Justice and the Department of Environmental Protection within 15 days of receipt.

(b) The person submitting the information may, at the discretion of the, Environmental Crimes Bureau of the Division of Criminal Justice be interviewed by the Division of Criminal Justice or Department of Environmental Protection with regard to the information the applicant is submitting for consideration. An applicant may also be required to give his or her verbal statement under oath and sign a written memorialization of his or her statement.

(c) The Division of Criminal Justice shall acknowledge to the applicant, in writing, receipt of his or her application.

(d) In any legal proceeding conducted exclusively by a county prosecutor's office, wherein an application has been submitted pursuant to this section, and which results in an arrest, conviction and imposition and collection of a criminal penalty for either the illegal treatment, storage or disposal of hazardous waste or the illegal treatment, transport, storage or disposal of low-level radioactive waste; for the illegal discharge of certain material into ocean waters; or for the illegal treatment, storage, transportation or disposal of medical waste, the prosecutor's office, upon sentencing of the con-

victed person, shall, within 15 days thereof, forward written notification to the Environmental Crimes Bureau of the Division of Criminal Justice of any fines imposed for the purpose of processing any pending award application under this subchapter.

Amended by R.1995 d.536, effective October 16, 1995.
See: 27 N.J.R. 2678(a), 27 N.J.R. 3973(b).
Amended by R.2000 d.390, effective October 2, 2000.
See: 32 N.J.R. 2383(b), 32 N.J.R. 3580(a).

In (a), deleted a reference to the location of the Division of Criminal Justice.

Amended by R.2006 d.62, effective February 21, 2006.
See: 37 N.J.R. 2348(a), 38 N.J.R. 1223(a).

In (d), added "either", deleted "or low-level radioactive" and added "or the illegal treatment, transport, storage or disposal of low-level radioactive waste."

13:80-1.5 Application procedure—civil

(a) An application in a civil proceeding requires the completion of Information Form DCJ 13-58A prescribed by the Division of Criminal Justice. This form must be completed and signed by personal appearance of the applicant (or in the case of an entity, its authorized representative), at the Environmental Crimes Bureau of the Division of Criminal Justice or at the county health department in the county where the offense occurred. The county health department shall forward a copy of each completed application to the Environmental Crimes Bureau of the Division of Criminal Justice and the Department of Environmental Protection within 15 days of receipt.

(b) The Division of Criminal Justice shall acknowledge to the applicant, in writing, receipt of his or her application.

(c) In any civil action conducted by the Department of Environmental Protection, local board of health or county health department, wherein an application was submitted pursuant to this section, which results in the imposition and collection of civil penalties for the illegal treatment, storage, transportation and disposal of solid, hazardous or medical waste, or a violation of an administrative order or court order, or the failure to pay an administrative assessment in full, the Department of Environmental Protection, local board of health or county health department, as the case may be, shall, within 15 days thereof, forward to the Environmental Crimes Bureau, of the Division of Criminal Justice written notification of the penalties imposed for the purpose of processing any pending award application.

Amended by R.1995 d.536, effective October 16, 1995.
See: 27 N.J.R. 2678(a), 27 N.J.R. 3973(b).
Amended by R.2000 d.390, effective October 2, 2000.
See: 32 N.J.R. 2383(b), 32 N.J.R. 3580(a).

In (a), deleted a reference to the location of the Division of Criminal Justice.

13:80-1.6 Timely filing of applications for award

In all cases, civil and criminal, where relevant information is provided by a person without the simultaneous filing of an