
Environmental Crimes Handbook

A Guide for Law Enforcement Personnel

2019 Update



State of New Jersey
Department of Law & Public Safety
Division of Criminal Justice

Gurbir S. Grewal
NJ Attorney General

Veronica Allende
DCJ Director

Letter from Attorney General Gurbir S. Grewal



Dear Law Enforcement Officer:

When I became New Jersey’s 61st Attorney General on January 16, 2018, I committed to protecting New Jersey’s environment and the health of our residents and I pledged to use all the tools at my disposal, both civil and criminal, in order to do so. In the past two years, attorneys at the Department of Law and Public Safety have been making good on that promise, from filing charges against individuals who illegally dumped waste and hazardous materials under a highway to arresting officials who failed to properly test a town’s safe drinking water. Each step of the way, I have benefited from the skill and diligence of the investigators and prosecutors in the Division of Criminal Justice, Specialized Crimes Bureau, Environmental Crimes Unit.

But my Department cannot do this work alone – which is where law enforcement officers across the state come in. A range of laws already exist that empower law enforcement officers to investigate, arrest, and prosecute individuals and companies that harm our environment and put our health at risk. The laws cover a variety of environmental threats, from the release of hazardous chemicals in our communities to the pollution of the air we breathe and the water we drink.

We want to help you and all law enforcement officers identify, respond to, and prosecute potential environmental crimes in your jurisdiction. To empower law enforcement officers across the state to understand the range of environmental crimes, the Environmental Crimes Unit has put together this summary of state environmental criminal laws. This manual seeks to list the elements and penalties of all the most common and widely applicable environmental laws.¹

Of course, that is not all we are doing to support environmental enforcement efforts. At the same time as we are sharing this manual with law enforcement officers, the Environmental Crimes Unit is developing a training to provide to state and local investigators and prosecutors to help you address environmental crimes. And, as always, if you suspect an environmental criminal violation, you can call our Unit at 609-571-5798.

Environmental crimes put the safety and well-being of our residents at risk. Together, we can root them out and hold the violators accountable.

Sincerely,



Gurbir Grewal
Attorney General

1. This handbook would not be possible without the hard work of the Division of Criminal Justice, including its Director Veronica Allende and Deputy Director Christine Hoffman. I would like to especially thank Sergeant Steven Ogulin and former Deputy Attorney General Christopher Keating for their research and for authoring this handbook.

Message from the Division of Criminal Justice

The Division of Criminal Justice's Environmental Crimes Unit has put this manual together so that law enforcement officers will have access to a consolidated summary of New Jersey's environmental crimes statutes to assist them in their investigations. We hope that this manual will assist you in your immediate efforts to respond to and identify potential environmental crimes in your jurisdiction. However, if you suspect a criminal violation, please consult with your county prosecutor's office, or call our Environmental Crimes Unit's Duty Officer at **609-571-5798**.

In addition to providing a list of environmental crimes and elements, we are providing a list of Frequently Asked Questions and answers, in an effort to help investigators and prosecutors who are learning about this area for the first time.

Frequently Asked Questions

What is an environmental crime?

Under New Jersey law, an environmental crime or offense is an act, committed with the requisite mental state, which violates one of the statutes contained in this Handbook. There are often related crimes that accompany environmental crimes, such as Tampering with Public Records, Theft, Bribery, or Official Misconduct.

Environmental crimes and offenses can be committed purposefully, knowingly, recklessly, or negligently. Additionally, some environmental crimes and offenses are strict liability crimes. They can occur during the creation, transportation, treatment, or disposal of harmful substances. They can also occur through the violation of New Jersey's fish and wildlife laws.

What are the motives to commit these crimes?

Experience has shown that the motive to commit these crimes and offenses is usually monetary gain. Properly disposing of pollutants can be expensive, and some offenders are tempted to cut corners to save costs.

Where can I find the statutes and regulations covering these crimes?

This Handbook contains references to the statutes covering environmental crimes in New Jersey. Most environmental crimes have their own set of statutes, and are not contained in New Jersey's Criminal Code. Many also have correlating regulations in the New Jersey Administrative Code.

Is the harm caused by environmental crimes immediately apparent?

Harm from environmental crimes may, but need not, be imminent or immediately evident. Often, harm from environmental crimes may be caused over long periods of time. The cumulative effects of environmental crimes may be as bad as, or even worse than, a single large-scale incident.

What are the penalties for committing environmental crimes?

Environmental crimes are graded just like any other crime under New Jersey law. Many carry enhanced financial penalties. Offenders may also be subject to civil forfeiture of the proceeds and instrumentality of their criminal acts. Likewise, environmental offenses are either disorderly persons or petty disorderly persons offenses. Not every violation of New Jersey's statutes and regulations protecting the environment and natural resources are crimes or offenses; some are handled civilly or administratively and may result in a fine.

Why should local and county law enforcement know about such crimes?

Criminal investigations are a law enforcement function. In the field of environmental crimes, such investigations may coincide with a public safety or administrative response to an environmental incident. In fact, criminal activity may not be suspected or become evident until well into a public safety response.

Please also be cognizant that such crime scenes are inherently dangerous. Please do not enter such scenes without the proper training, experience, and equipment.

Who can local and county law enforcement officers call for help when they encounter a suspected Environmental Crime or Offense?

Notifications for suspected environmental crimes

DCJ Environmental Crimes Unit
(609) 984-6500 during work hours
(609) 571-5798 after hours

Notifications for release of hazardous substances
and environmental law violations

NJ DEP Emergency Dispatch
(877) 927-6337

Index

I.	Air Releases & Air Pollution	
	A. <i>Air Pollution Control Act, N.J.S.A. 26:2C-19f</i>	1
	B. <i>Unlawfully cause release or abandonment of a toxic pollutant, N.J.S.A. 2C:17-2a(2)</i>	2
II.	Asbestos & Lead	
	A. <i>Asbestos Control and Licensing Act, N.J.S.A. 34:5A-41</i>	3
	B. <i>Unlawfully cause release or abandonment of a toxic pollutant, N.J.S.A. 2C:17-2a(2)</i>	4
	C. <i>Causing a risk of widespread injury or damage, N.J.S.A. 2C:17-2c</i>	4
	D. <i>Lead Paint Hazard Inspection and Abatement, N.J.S.A. 26:2Q-7</i>	5
III.	Fish & Wildlife	
	A. <i>Endangered and Non-Game Species Conservation Act, N.J.S.A. 23:2A-10f</i>	6
	B. <i>Unlawful sale or purchase of wildlife, N.J.S.A. 23:4-27</i>	6
IV.	Hazardous Chemicals	
	A. <i>Creating or risking widespread injury or damage, N.J.S.A. 2C:17-2c</i>	7
	B. <i>Pesticide Control Act, N.J.S.A. 13:1F-10f (enacted 2008)</i>	7
	C. <i>Underground Storage Tank Act, N.J.S.A. 58:10A-32</i>	8
	D. <i>Unlawfully causing a discharge required to be reported under the “Spill Compensation and Control Act,” N.J.S.A. 2C:17-2a(2)</i>	9
	E. <i>Violation of law intended to protect public health and safety, N.J.S.A. 2C:40-18</i>	10
V.	Land Use	
	A. <i>Coastal Area Facility Review Act, N.J.S.A. 13:19-18f</i>	11
	B. <i>Flood Hazard Area Control Act, N.J.S.A. 58:16A-63f</i>	12
	C. <i>Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-21f</i>	13
	D. <i>Waterfront Development Act, N.J.S.A. 12:5-6g</i>	13

Index *continued*

VI. Radiation and Radioactive Materials

- A. *Radiation Protection Act, N.J.S.A. 26:2D-22*..... 14
- B. *Radiologic Technologist Act, N.J.S.A. 26:2D-36* 14
- C. *Radon Monitoring and Mitigation, N.J.S.A. 26:2D-77* 14

VII. Waste Related Crimes

- A. *Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.20*..... 15
- B. *Unlawfully cause release or abandonment of hazardous waste, N.J.S.A. 2C:17-2a(2)* 17
- C. *Solid Waste Management Act (hazardous waste), N.J.S.A. 13:1E-9*.... 17
- D. *Solid Waste Management Act (non-hazardous waste), N.J.S.A. 13:1E-9.6*..... 19
- E. *Solid Waste Utility Control Act, N.J.S.A. 48:13A-12*..... 21
- F. *Legacy Landfill Act, N.J.S.A. 13:1E-125.5, 13:1E-125.6*..... 22

VIII. Water Related Crimes

- A. *Ocean Dumping Enforcement Act, N.J.S.A. 58:10A-49, N.J.S.A. 58:10A-59* 23
- B. *Safe Dam Act, N.J.S.A. 58:4-6f*..... 23
- C. *Safe Drinking Water Act, N.J.S.A. 58:12A-10f*..... 24
- D. *Water Supply Management Act, N.J.S.A. 58:1A-16f*..... 24
- E. *Water Pollution Control Act, N.J.S.A. 58:10A-10f* 25

I. Air Releases & Air Pollution

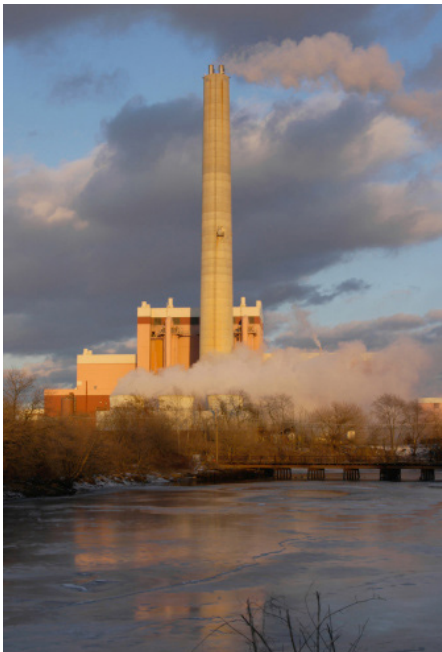
A. Air Pollution Control Act (“APCA”), N.J.S.A. 26:2C-19f.²

Material Elements	Culpability	Degree & Enhanced Penalties
1. Violates the provisions of the APCA, or any code, rule, regulation, administrative order, or court order adopted or issued pursuant thereto.	Purposeful or Knowing	Third
2. Violates any federally mandated air pollution control requirement, any operating permit condition, or any fee or filing requirement imposed in connection with an operating permit.	Purposeful or Knowing	Third Fine: \$10,000 per day per violation.
3. Makes any false material statement, representation, or certification in any form, notice, statement, or report required in connection with an operating permit, or who purposely or knowingly renders inaccurate any monitoring device or method required by an operating permit.	Purposeful or Knowing	Third Fine: \$10,000 per day per violation.
4. Violates the provisions of the APCA or any code, rule, regulation, administrative order, or court order adopted or issued pursuant thereto.	Reckless	Fourth

2. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

**B. Unlawfully cause a release of hazardous waste³ or a toxic pollutant,⁴
N.J.S.A. 2C:17-2a(2).⁵**

Material Elements	Culpability	Degree & Enhanced Penalties
1. Unlawfully causes a release or abandonment of hazardous waste, as defined in N.J.S.A. 13:1E-38, or a toxic pollutant, as defined in N.J.S.A. 58:10A-3.	Purposeful or Knowing	Second
2. Unlawfully causes a release or abandonment of hazardous waste, as defined in N.J.S.A. 13:1E-38, or a toxic pollutant, as defined in N.J.S.A. 58:10A-3.	Reckless	Third



3. See N.J.S.A. 13:1E-38 (defining “hazardous waste” as any waste or any combination of waste which poses a present or potential threat to human health, living organisms or the environment. “Hazardous waste” shall include, but not be limited to, waste material that is toxic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable).

4. See N.J.S.A. 58:10A-3(r) (defining “toxic pollutants” as any pollutant identified pursuant to the [Federal Water Pollution Control Act Amendments of 1972], or any pollutant or combination of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring).

5. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

II. Asbestos & Lead Paint

A. Asbestos Control and Licensing Act (“ACLA”), N.J.S.A. 34:5A-41.⁶

Material Elements	Culpability	Degree & Enhanced Penalties
1. Hinders or delays the Commissioners of Labor and the Workforce Development or Health or the authorized representative thereof, in the performance of the duty to enforce the ACLA.	Knowing	Third Fine: Up to \$25,000.
2. Submits false or misleading information on any license or permit application required by the ACLA, or fails to obtain licenses or permits accessible to either commissioner, or the authorized representative thereof, or otherwise violates any provision of the ACLA or any regulation adopted under the ACLA.	Knowing	Third Fine: Up to \$25,000.



6. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

B. Unlawfully cause a release of hazardous waste or a toxic pollutant, N.J.S.A. 2C:17-2a(2).⁷

Material Elements	Culpability	Degree & Enhanced Penalties
1. Unlawfully causes a release or abandonment of hazardous waste, as defined in N.J.S.A. 13:1E-38, or a toxic pollutant, as defined in N.J.S.A. 58:10A-3.	Purposeful or Knowing	Second
2. Unlawfully causes a release or abandonment of hazardous waste, as defined in N.J.S.A. 13:1E-38, or a toxic pollutant, as defined in N.J.S.A. 58:10A-3.	Reckless	Third

C. Creating a risk of widespread injury or damage, N.J.S.A. 2C:17-2c.⁸

Material Elements	Culpability	Degree & Enhanced Penalties
1. Creates a risk of widespread injury or damage. Widespread injury or damage means serious bodily injury to five or more people, or damage to five habitations, or to a building which would normally have contained 25 or more people at the time of the offense.	Reckless	Fourth
2. Same as above, but the risk of widespread injury or damage results from the reckless handling or storage of hazardous materials.	Reckless	Third
3. Same as above, if the handling or storage of hazardous materials violated any law, rule, or regulation intended to protect public health and safety.	Reckless	Second

8. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

7. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

D. Lead Evaluation and Abatement (“LEA”), N.J.S.A. 26:2Q-7.

Material Elements	Culpability	Degree & Enhanced Penalties
<ol style="list-style-type: none"> 1. Hinders or delays the Department of Health in the enforcement of the LEA; 2. Fails to obtain the certification required by the LEA and engages in lead evaluation or lead abatement work for pecuniary gain; 3. Solicits another person to engage, employ, or retain him or her to perform a lead evaluation or lead abatement work, for pecuniary gain, when he or she is not certified pursuant to the LEA; 4. Holds oneself out as accredited by the Department of Health or otherwise represents that he or she is competent to offer training when he or she is not accredited to provide training; or 5. Violates any provision of the LEA. 	<p>Knowing</p>	<p>Disorderly Persons</p>

III. Fish & Wildlife

A. Endangered and Non-Game Species Conservation Act (“ENGSCA”), N.J.S.A. 23:2A-10f.⁹

Material Elements	Culpability	Degree & Enhanced Penalties
1. Violates any provision of the ENGSCA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.	Purposeful, Knowing, or Reckless	Third Fine: \$5,000-\$50,000 per day of violation.
2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of the ENGSCA, or any rule or regulation adopted, or permit or order issued pursuant thereto, or who falsifies, tampers with, or purposely, knowingly, or recklessly renders inaccurate, any monitoring device or method required to be maintained pursuant to the ENGSCA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.	Purposeful, Knowing, or Reckless	Third Fine: Up to \$50,000 per day per violation.

B. Unlawful Sale or Purchase of Wildlife, N.J.S.A. 23:4-27.

Material Elements	Culpability	Degree & Enhanced Penalties
1. Unlawfully sells or purchases wildlife, where the total sale or purchase value is less than \$200.	Purposeful	Disorderly Persons
2. Unlawfully sells or purchases wildlife, where the total sale or purchase value is \$200 or greater but less than \$500.	Purposeful	Fourth
3. Unlawfully sells or purchases wildlife, where the total sale or purchase value is greater than \$500.	Purposeful	Third

9. Crimes enacted in 2008. No crime existed prior to that.

IV. Hazardous Chemicals (Non-Waste Materials)

A. *Creating a risk of widespread injury or damage, N.J.S.A. 2C:17-2c.*¹⁰

Material Elements	Culpability	Degree & Enhanced Penalties
1. Creates a risk of widespread injury or damage. Widespread injury or damage means serious bodily injury to five or more people, or damage to five habitations, or to a building which would normally have contained 25 or more people at the time of the offense.	Reckless	Fourth
2. Same as above, but the risk of widespread injury or damage results from the reckless handling or storage of hazardous materials.	Reckless	Third
3. Same as above, if the handling or storage of hazardous materials violated any law, rule, or regulation intended to protect public health and safety.	Reckless	Second

B. *Pesticide Control Act (“PCA”), N.J.S.A. 13:1F-10f.*¹¹

Material Elements	Culpability	Degree & Enhanced Penalties
1. Violates any provision of the PCA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.	Purposeful, Knowing, or Reckless	Third Fine: \$5,000-\$50,000 per day of violation.
2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of the PCA, or any rule or regulation adopted, or permit or order issued, pursuant thereto, or who falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained pursuant to the PCA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.	Purposeful, Knowing, or Reckless	Third Fine: Up to \$50,000 per day per violation.

10. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

11. Crimes enacted in 2008. No crime existed prior to that date.

C. Underground Storage Tank Act (“USTA”), N.J.S.A. 58:10A-32.¹²

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates an effluent limitation or other condition of a permit, or who discharges without a permit, and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury, as defined in subsection b. of N.J.S.A. 2C:11-1.</p>	<p>Purposeful or Knowing</p>	<p>First Fine: \$50,000-\$250,000 per day of violation.</p>
<p>2. Violates the USTA, and the violation causes a significant adverse environmental effect.¹³</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Second Fine: \$25,000-\$250,000 per day of violation.</p>
<p>3. Violates the USTA, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the USTA, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to the USTA, or by failing to submit a monitoring report, or any portion thereof, required pursuant to the USTA.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$75,000 per day of violation.</p>
<p>4. Violates the USTA, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the USTA, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to the USTA, or by failing to submit a discharge monitoring report, or any portion thereof, required pursuant to the USTA.</p>	<p>Negligent</p>	<p>Fourth Fine: \$5,000-\$75,000 per day of violation.</p>

12. The section of the USTA that establishes criminal offenses cross-references the penalties of the Water Pollution Control Act at N.J.S.A. 58:10A-10.

13. See N.J.S.A. 58:10A-10f(1)(B) (declaring that a “significant adverse environmental effect” exists when an action or omission of the defendant causes: serious harm or damage to wildlife, freshwater or saltwater fish, any other aquatic or marine life, water fowl, or to their habitats, or to livestock, or agricultural crops; serious harm, or degradation of, any ground or surface waters used for drinking, agricultural, navigational, recreational, or industrial purposes; or any other serious articulable harm or damage to, or degradation of, the lands or waters of the State, including ocean waters subject to its jurisdiction).

D. Unlawfully causing a discharge required to be reported under the Spill Compensation and Control Act (“Spill Act”), N.J.S.A. 2C:17-2a(2).¹⁴

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Unlawfully causes a hazardous discharge required to be reported pursuant to the “Spill Compensation and Control Act” or any rules and regulations adopted pursuant thereto,¹⁵ or who purposely or knowingly unlawfully causes a release or abandonment of hazardous waste, as defined in N.J.S.A. 13:1E-38, or a toxic pollutant, as defined in N.J.S.A. 58:10A-3.</p>	<p>Purposeful or Knowing</p>	<p>Second</p>
<p>2. Same material elements as above.</p>	<p>Reckless</p>	<p>Third</p>



14. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

15. Hazardous substances and relevant terms are defined pursuant to the Spill Act at N.J.S.A. 58:10-23.11b.

E. Violation of law intended to protect public health and safety, N.J.S.A. 2C:40-18.

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Knowingly violates a law intended to protect the public health and safety or knowingly fails to perform a duty imposed by a law intended to protect the public health and safety, and that violation recklessly causes death.</p>	<p>Knowing/ Reckless</p>	<p>Second</p>
<p>2. Same material elements as above, except the violation recklessly causes serious bodily injury.</p>	<p>Knowing/ Reckless</p>	<p>Third</p>
<p>3. Same material elements as above, except the violation recklessly causes significant bodily injury.</p>	<p>Knowing/ Reckless</p>	<p>Fourth</p>



V. Land Use

A. Coastal Area Facility Review Act (“CAFRA”), N.J.S.A. 13:19-18f.¹⁶

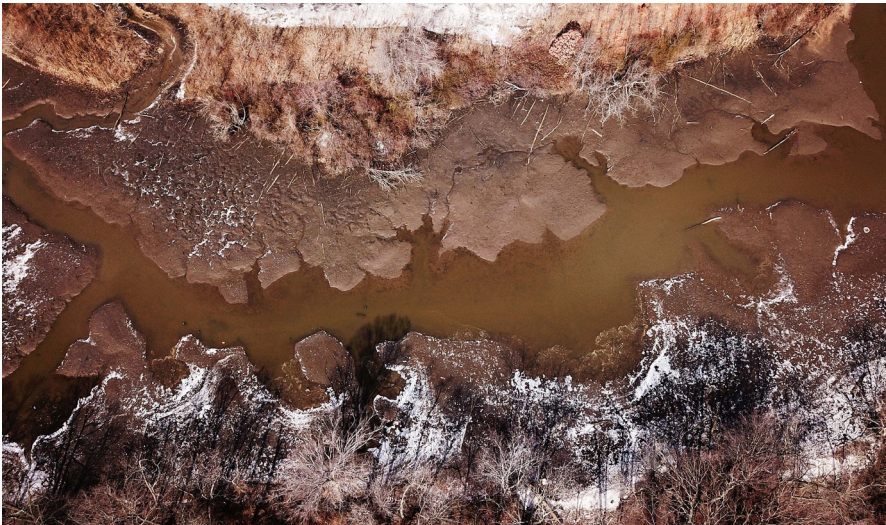
Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates any provision of CAFRA, or any rule or regulation adopted, or permit or order issued pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$50,000 per day of violation.</p>
<p>2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of CAFRA, or any rule or regulation adopted pursuant thereto, or who falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained pursuant to CAFRA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: Up to \$50,000 per day per violation.</p>



16. These crimes were enacted in 2008. No crime existed prior to that date.

B. Flood Hazard Area Control Act (“FHACA”), N.J.S.A. 58:16A-63f.¹⁷

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates any provision of FHACA, or any rule or regulation adopted, or permit or order issued pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$50,000 per day of violation.</p>
<p>2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of FHACA, or any rule or regulation adopted pursuant thereto, or who falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained pursuant to FHACA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: Up to \$50,000 per day per violation.</p>



17. These crimes were enacted in 2008. No crime existed prior to that date.

C. Freshwater Wetlands Protection Act (“FWPA”), N.J.S.A. 13:9B-21f.

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates any provision of FWPA, or any rule or regulation adopted, or permit or order issued pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$50,000 per day of violation.</p>
<p>2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of FWPA, or any rule or regulation adopted pursuant thereto, or who falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained pursuant to FWPA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: Up to \$50,000 per day per violation.</p>

D. Waterfront Development Act (“WDA”), N.J.S.A. 12:5-6g.¹⁸

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates any provision of WDA, or any rule or regulation adopted, or permit or order issued pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$50,000 per day of violation.</p>
<p>2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of WDA, or any rule or regulation adopted pursuant thereto, or who falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained pursuant to WDA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: Up to \$50,000 per day per violation.</p>

18. These crimes were enacted in 2008. No crime existed prior to that date.

VI. Radiation & Radioactive Materials

A. Radiation Protection Act (“RPA”), N.J.S.A. 26:2D-22.

Material Elements	Culpability	Degree & Enhanced Penalties
1. Violates any provision of the RPA.	Knowing	Fourth

B. Radiological Technologist Act (“RTA”), N.J.S.A. 26:2D-36.¹⁹

Material Elements	Culpability	Degree & Enhanced Penalties
1. Violates any provision of the RTA.	Knowing	Fourth

C. Radon Monitoring and Mitigation (“RMM”), N.J.S.A. 26:2D-77.

Material Elements	Culpability	Degree & Enhanced Penalties
1. Tests for, mitigates, or safeguards a building from the presence of radon gas and radon progeny without proper certification, in violation of N.J.S.A. 26:2D-72. The provisions of this section shall not apply to a person performing this testing or mitigation on a building which he or she owns, or to a person performing testing or mitigation without remuneration.	Knowing	Third



19. The penalty provision cross references the Radiation Protection Act, N.J.S.A. 26:2D-22.

VII. Waste Related Crimes

A. *Comprehensive Regulated Medical Waste Management Act* (“CRMWMA”), N.J.S.A. 13:1E-48.20.²⁰

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Purposely or knowingly disposes or stores regulated medical waste²¹ without authorization from either the Department of Environmental Protection or the Department of Health, as appropriate, or in violation of the CRMWMA, or any rule or regulation adopted pursuant thereto;</p> <p>2. Purposely or knowingly makes any false or misleading statement to any person who prepares any regulated medical waste application, registration, form, label, certification, manifest, record, report, or other document required by the CRMWMA, or any rule or regulation adopted pursuant thereto;</p> <p>3. Purposely or knowingly makes any false or misleading statement on any regulated medical waste application, registration, form, label, certification, manifest, record, report, or other document required by the CRMWMA, or any rule or regulation adopted pursuant thereto; or</p>	<p>Knowing</p>	<p>Third</p> <p>Fine: Up to \$100,000.</p>

20. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

21. See N.J.S.A. 13:1E-48.3 (defining “regulated medical waste” as blood vials; cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; pathological wastes, including tissues, organs, and body parts that are removed during surgery or autopsy; waste human blood and products of blood, including serum, plasma, and other blood components; sharps that have been used in patient care or in medical, research, or industrial laboratories engaged in medical research, testing, or analysis of diseases affecting the human body, including hypodermic needles, syringes, Pasteur pipettes, broken glass, and scalpel blades; contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals; any other substance or material related to the transmission of disease as may be deemed appropriate by the departments; and any other substance or material as may be required to be regulated by, or permitted to be exempted from, the Federal Act).

<p>4. Purposely or knowingly fails to properly treat certain types of regulated medical waste designated by the Department of Health.</p>		
<p>Same material elements as described above.</p>	<p>Reckless or Negligent</p>	<p>Fourth</p>
<p>1. Generates and causes or permits to be transported any regulated medical waste to a facility or any other place in the State that does not have authorization from the Department of Environmental Protection to accept the waste.</p> <p>2. Purposely, knowingly, or recklessly violates any other provision of the CRMWMA, or any rule or regulation adopted pursuant thereto, for which no other criminal penalty has been specifically provided.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Fourth</p>
<p>1. Transports any regulated medical waste to a facility or any other place in the State that does not have authorization from the Department of Environmental Protection to accept the waste, or in violation of the CRMWMA, or any rule or regulation adopted pursuant thereto.</p> <p>2. Transports or receives transported regulated medical waste without completing and submitting a manifest in accordance with this the CRMWMA, or any rule or regulation adopted pursuant thereto.</p>	<p>Strict Liability</p>	<p>Fourth</p>

B. *Unlawfully cause the release or abandonment of hazardous waste, N.J.S.A. 2C:17-2a(2).*²²

Material Elements	Culpability	Degree & Enhanced Penalties
1. Unlawfully causes a release or abandonment of hazardous waste, as defined in N.J.S.A. 13:1E-38, or a toxic pollutant, as defined in N.J.S.A. 58:10A-3.	Purposeful, Knowing	Second
2. Same material elements as described above.	Reckless	Third

C. *Solid Waste Management Act (“SWMA”) – specific to hazardous waste, N.J.S.A. 13:1E-9.*²³

Material Elements	Culpability	Degree & Enhanced Penalties
1. Transports any hazardous waste to a facility or any other place which does not have authorization from the Department of Environmental Protection to accept such waste; 2. Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste; 3. Disposes, treats, stores or transports hazardous waste without authorization from the department; 4. Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design, or other document required to be submitted to the department; or 5. Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design, or other document required to be submitted.	Knowing	Third Fine: Up to \$50,000.
Same material elements as described above.	Reckless	Fourth

22. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

23. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

<p>1. Generates and causes or permits any hazardous waste to be transported, transports, or receives transported hazardous waste without completing and submitting to the department a hazardous waste manifest in accordance with the provisions of the SWMA or any rule or regulation adopted pursuant hereto.</p>	<p>Strict Liability</p>	<p>Fourth</p>
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**B. Solid Waste Management Act (“SWMA”) – specific to non-hazardous waste,
N.J.S.A. 13:1E-9.6.**^{24, 25, 26, 27}

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Disposes of solid waste, or causes or permits the disposal of solid waste, or otherwise engages in the disposal of solid waste within this State in the amount of 1,000 cubic yards or more of solids or 10,000 United States gallons or more of liquids, whether for profit or otherwise, except at a solid waste facility which has received approval or any other place in this State which has authorization from the Department of Environmental Protection to accept solid waste for disposal; or</p> <p>2. Transports or causes or permits to be transported any solid waste in the amount of 1,000 cubic yards or more of solids or 10,000 United States gallons or more of liquids, whether for profit or otherwise, to a disposal site within this State which does not have approval to accept solid waste for disposal.</p>	<p>Knowing</p>	<p>Second</p>

24. Statute of limitations is ten years from the date of discovery of the offense, as per N.J.S.A. 13:1E-9.6e.

25. The quantity of solid waste involved in offenses committed pursuant to one scheme, whether at one or several locations, may be aggregated for determining the degree of an offense under the SWMA.

26. These crimes were enacted in January 2004. Prior to that, only the DP offense existed.

27. “Solid waste” and other relevant terms are defined at N.J.S.A. 13:1E-3.

<p>1. Disposes of solid waste, or causes or permits the disposal of solid waste, or otherwise engages in the disposal of solid waste within this State in the amount of 100 cubic yards or more of solids or 1,000 United States gallons or more of liquids, whether for profit or otherwise, except at a solid waste facility which has received approval or any other place in this State which has authorization from the Department of Environmental Protection to accept solid waste for disposal; or</p> <p>2. Transports or causes or permits to be transported any solid waste in the amount of 100 cubic yards or more of solids or 1,000 United States gallons or more of liquids, whether for profit or otherwise, to a disposal site within this State which does not have approval to accept solid waste for disposal.</p>	<p>Reckless</p>	<p>Third</p> <p>Fine: Up to \$50,000.</p>
<p>1. Disposes of solid waste, or causes or permits the disposal of solid waste, or otherwise engages in the disposal of solid waste within this State in an amount of at least 10 but less than 100 cubic yards of solids or an amount of at least 250 but less than 1,000 United States gallons of liquids, whether for profit or otherwise, except at a solid waste facility which has received approval or any other place in this State which has authorization from the Department of Environmental Protection to accept solid waste for disposal, as the case may be; or</p> <p>2. Transports or causes or permits to be transported any solid waste in an amount of at least 10 but less than 100 cubic yards of solids or an amount of at least 250 but less than 1,000 United States gallons of liquids, whether for profit or otherwise, to a disposal site within this State which does not have approval to accept solid waste for disposal.</p>	<p>Reckless or Negligent</p>	<p>Fourth</p>
<p>1. Disposes of solid waste, or causes or permits the disposal of solid waste, or otherwise engages in the disposal of solid waste within this State in an amount of at least 10 but less than 100 cubic yards of solids or an amount of at least 250 but less than 1,000 United States gallons of liquids, whether for profit or otherwise, except at a solid waste facility which has received approval or any other place in this State which has authorization from the Department of Environmental Protection to accept solid waste for disposal, as the case may be; or</p> <p>2. Transports or causes or permits to be transported any solid waste in an amount of at least 10 but less than 100 cubic yards of solids or an amount of at least 250 but less than 1,000 United States gallons of liquids, whether for profit or otherwise, to a disposal site within this State which does not have approval to accept solid waste for disposal.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Fourth</p>

<p>1. Engages in the collection of solid waste, whether for profit or otherwise, in violation of the requirements of the SWMA.</p>	<p>Reckless</p>	<p>Third, if volume is more than 100 cubic yards of solids or more than 1,000 US Gallons of liquid</p> <p>Fourth, if volume is between 10 and 100 cubic yards of solids or between 250 and 1,000 US Gallons of liquid</p>
<p>1. Dispose of solid waste in excess of 0.148 cubic yard of solids or 30 US Gallons of liquids at a site not authorized to accept solid waste.</p> <p>2. Transports, or causes or permits transport, of solid waste in excess of 0.148 cubic yard of solid or 30 US Gallons of liquid to unauthorized disposal site.</p>	<p>Strict Liability</p>	<p>Disorderly Person²⁸</p> <p>1st offense - \$2,500 2nd offense - \$5,000 3rd offense - \$10,000</p> <p>Also, forfeiture of conveyance and revocation of driving privilege.</p>

E. *Solid Waste Utility Control Act (“SWUCA”), N.J.S.A. 48:13A-12.*

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates any of the provisions of the SWUCA or aid or advise in such violation, or who, as principal, manager, director, agent, servant or employee knowingly does any act comprising a part of such violation.</p>	<p>Knowing</p>	<p>Fourth</p> <p>Fine: Up to \$50,000.</p>

28. N.J.S.A. 13:1E-9.3 and -9.4.

F. *Legacy Landfill Act (“LLA”), N.J.S.A. 13:1E-125.5 and 125.6.*²⁹

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Owner or operator of a legacy landfill or closed sanitary landfill facility who fails to deposit funds into an escrow account, as required by the LLA, or uses those funds for any purpose other than closure costs, as approved by the Department of Environmental Protection.</p>	<p>Knowing</p>	<p>Third</p>
<p>2. Any person who fails to establish financial assurance, deposits or places any waste or material prior to the establishment of financial assurance, or uses those funds for any purpose other than closure costs as approved by the department, or to pay damages or claims as approved by the Department of Environmental Protection or by a court.</p>	<p>Knowing</p>	<p>Third</p>



29. These crimes were enacted in 2013. No crime existed prior to that date.

VIII. Water Related Crimes

A. *Ocean Dumping Enforcement Act (“ODEA”), N.J.S.A. 58:10A-49, 58:10A-59.*

Material Elements	Culpability	Degree & Enhanced Penalties
1. Dumps any material into the ocean waters ³⁰ within the jurisdiction of this State, or into the waters outside the jurisdiction of this State, which material enters the ocean waters within the jurisdiction of this State.	Purposeful	Third
2. Discharges sewage from a watercraft into any coastal water area designated a “no discharge” area by the Environmental Protection Agency.		The section of the ODEA that establishes criminal offenses cross-references the penalties of the Water Pollution Control Act, at N.J.S.A. 58:10A-10f, listed below.

B. *Safe Dam Act (“SDA”), N.J.S.A. 58:4-6.30³¹*

Material Elements	Culpability	Degree & Enhanced Penalties
1. Violates any provision of SDA, or any rule or regulation adopted, or permit or order issued pursuant thereto.	Purposeful, Knowing, or Reckless	Third Fine: \$5,000-\$50,000 per day of violation.
2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of SDA, or any rule or regulation adopted pursuant thereto, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained pursuant to SDA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.	Purposeful, Knowing, or Reckless	Third Fine: Up to \$50,000 per day per violation.

30. Relevant definitions are listed under N.J.S.A. 58:10A-48.

31. These crimes were enacted in 2008. No crime existed prior to that date.

C. Safe Drinking Water Act (“SDWA”), N.J.S.A. 58:12A-10f.³²

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates any provision of SDWA, or any rule or regulation adopted, or permit or order issued pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$50,000 per day of violation.</p>
<p>2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of SDWA, or any rule or regulation adopted pursuant thereto, or who falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained pursuant to SDWA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: Up to \$50,000 per day per violation.</p>

D. Water Supply Management Act (“WSMA”), N.J.S.A. 58:1A-16f.³³

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates any provision of WSMA, or any rule or regulation adopted, or permit or order issued pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$50,000 per day of violation.</p>
<p>2. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under any provision of WSMA, or any rule or regulation adopted pursuant thereto, or who falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained pursuant to WSMA, or any rule or regulation adopted, or permit or order issued, pursuant thereto.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: Up to \$50,000 per day per violation.</p>

32. These crimes were enacted in 2008. No crime existed prior to that date.

33. These crimes were enacted in 2008. No crime existed prior to that date.

E. Water Pollution Control Act (“WPCA”), N.J.S.A. 58:10A-10f.³⁴

Material Elements	Culpability	Degree & Enhanced Penalties
<p>1. Violates an effluent limitation or other condition of a permit, or who discharges without a permit, and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury, as defined in subsection b. of N.J.S.A. 2C:11-1.</p>	<p>Purposeful or Knowing</p>	<p>First Fine: \$50,000-\$250,000 per day of violation.</p>
<p>2. Violates the WPCA, and the violation causes a significant adverse environmental effect. A significant adverse environmental effect exists when an action or omission of the defendant causes: serious harm or damage to wildlife, freshwater or saltwater fish, any other aquatic or marine life, water fowl, or to their habitats, or to livestock, or agricultural crops; serious harm, or degradation of, any ground or surface waters used for drinking, agricultural, navigational, recreational, or industrial purposes; or any other serious articulable harm or damage to, or degradation of, the lands or waters of the State, including ocean waters subject to its jurisdiction.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Second Fine: \$25,000-\$250,000 per day of violation.</p>
<p>3. Violates the WPCA, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the WPCA, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to the WPCA, or by failing to submit a monitoring report, or any portion thereof, required pursuant to the WPCA.</p>	<p>Purposeful, Knowing, or Reckless</p>	<p>Third Fine: \$5,000-\$75,000 per day of violation.</p>



34. Since 2007, no statute of limitations for this offense, as per N.J.S.A. 2C:1-6a(2).

<p>4. Violates the WPCA, including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the WPCA, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to the WPCA, or by failing to submit a discharge monitoring report, or any portion thereof, required pursuant to the WPCA.</p>	<p>Negligent</p>	<p>Fourth Fine: \$5,000-\$75,000 per day of violation.</p>
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