

NOTE: THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 4, 2024, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

AIR, ENERGY, AND MATERIALS SUSTAINABILITY

DIVISION OF SUSTAINABLE WASTE MANAGEMENT

Notice of Readoption

Processing of Damage Claims Pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act Rules

Readoption with a Technical Change: N.J.A.C. 7:11

Authority: N.J.S.A. 13:1B-3, 13:1D-9, 13:1E-100 et seq. (particularly 13:1E-106 and 13:1E-114), and 58:10-23.11 et seq.

Authorized By: Shawn M. LaTourette, Commissioner, Department of Environmental Protection.

Effective Dates: January 30, 2024, Readoption;
 March 4, 2024, Technical Change.

New Expiration Date: January 30, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules governing the processing of damage claims pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act at N.J.A.C. 7:11 were scheduled to expire on June 20, 2024. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

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N.J.A.C. 7:1I constitutes the rules of the Department concerning the processing of all claims pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq. (the Act), for damages proximately resulting from the improper operation or improper closure of a sanitary landfill facility, pursuant to the Act, including Department procedures for review and decision-making regarding such claims. The rules implement the purposes and objectives of the Sanitary Landfill Facility Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq.; establish rules for administration of the Sanitary Landfill Facility Contingency Fund (Fund), established pursuant to the Act, for the purpose of providing prompt and adequate compensation for damages as defined herein; and protect and ensure that the taxes credited to the Fund are spent in a proper manner and for the intended purposes.

The rules are readopted with a technical change to correct a grammatical error. The existing rule at N.J.A.C. 7:1I-1.1(b)3 incorrectly uses the word “insure,” rather than “ensure.”

Full text of the technical change follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

7:1I-1.1 Purpose and scope

- (a) (No change.)
- (b) This chapter is promulgated for the following purposes:
 - 1.-2. (No change.)

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3. To protect and [insure] **ensure** that the taxes credited to the Fund are spent in a proper manner and for the intended purposes.