

Index

ACCIDENTAL POLLUTION

Sudden and Accidental Pollution, this index

ALLOCATION OF LIABILITY

Insurance Coverage for
Environmental Claims, this index
Spill Compensation and Control Act,
private party actions, **46:159**

ANNUAL REVIEWS

Private Well Testing Act, **46:277**

APPEAL AND REVIEW

Meadowlands Commission, standard
of review and appeal, **46:73**

APPROVAL OR CONSENT

Meadowlands Commission
approval and permit process, **46:72**
approval application as to subdivi-
sion, form, **46:82**
Private party actions, hazardous
substance discharge, written
approval, **46:162**

ASBESTOS

Generally, **46:258**
Contingency-Form, **46:262**
Duty, **46:261**
Litigation, **46:259-46:261**
Proximate cause standard, **46:260**

AUDITS

Site Remediation and Reform Act
(SRRA), **46:127**

BANKING

Environmental banking concerns,
46:345

BROWNFIELD AND CONTAMINATED SITE REMEDIATION ACT (BCSRA), 46:297 et seq.

Generally, **46:297 et seq.**

BROWNFIELD AND CONTAMINATED SITE REMEDIATION ACT (BCSRA), 46:297 et seq.—Cont'd

Acquiring property
after effective date of BCSRA,
46:318
governmental entities. Acquisition
by governmental entities,
below
prior to September 14, 1993,
46:315, 46:316
with knowledge of contamination,
46:317

Acquisition by governmental entities
generally, **46:320**
settlements with the state, **46:321**
statute of limitations, **46:322**

Alternative soil remediation stan-
dards, **46:303**

Challenges to remediation standards,
46:306

Change in remediation standards,
46:305

Cleanup standards based on use-
engineering and institutional
controls, **46:302**

Condemnation of contaminated prop-
erty, **46:308**

Contacts, **46:324**

Covenants not to sue
generally, **46:313**
defense when acquiring property
prior to September 14, 1993,
46:316

no further action letters, response
action outcomes and cove-
nants not to sue, **46:309**

no release for persons liable under
Spill Act- Defense when
acquiring property after
September 14, 1993, **46:315**

release of liability, **46:314**

**BROWNFIELD AND
CONTAMINATED SITE
REMEDATION ACT (BCSRA),
46:297 et seq.—Cont'd**

- Covenants not to sue—Cont'd
 - release of liability-Acquiring prop-
erty with knowledge of
contamination, **46:317**
- Engineering and institutional
controls, **46:302**
- Financial and tax incentives, **46:323**
- Investigation standards-flexible
approach and variance proce-
dure, **46:299**
- Liability protections
 - acquiring property after effective
date of BCSRA, **46:318**
 - acquiring property after September
14, 1993, persons who knew
or should have known of
contamination, **46:319**
 - acquisition by governmental enti-
ties
 - generally, **46:320**
 - settlements with the state,
46:321
 - statute of limitations, **46:322**
 - no further action letters, response
action outcomes and cove-
nants not to sue, **46:309**
- Minimum standards
 - investigation standards-flexible
approach and variance proce-
dure, **46:299**
 - remediation standards, **46:300-
46:303**
- No further action letters, **46:309,
46:310**
- Office of Brownfield Reuse, **46:307**
- Release of liability
 - generally, **46:314**
 - acquiring property with knowledge
of contamination, **46:317**
 - no release for persons liable under
Spill Act- Defense when
acquiring property after
September 14, 1993, **46:315**
- Remediation standards
 - generally, **46:301**

**BROWNFIELD AND
CONTAMINATED SITE
REMEDATION ACT (BCSRA),
46:297 et seq.—Cont'd**

- Remediation standards—Cont'd
 - alternative soil remediation stan-
dards, **46:303**
 - challenges to remediation stan-
dards, **46:306**
 - change in remediation standards,
46:305
 - cleanup standards based on use-
Engineering and institutional
controls, **46:302**
 - minimum standards, generally,
46:300
- Response action outcomes (RAOs),
46:311
 - generally, **46:311**
 - no further action letters, response
action outcomes and cove-
nants not to sue, **46:309**
 - when can a response action
outcome be issued, **46:312**
- Settlements with the state, **46:321**
- Statute of limitations, **46:322**
- Use-based cleanup standards-
engineering and institutional
controls, **46:302**
- What are brownfields, **46:298**
- When can a response action outcome
be issued, **46:312**
- When remediation is not required,
46:304

BUFFER, STORMWATER

- Exception, 150 feet, **46:103**
- Requirement, 300 feet, **46:102**

BURDEN OF PROOF

- Damages to natural resources, **46:115**

CAFRA

- Coastal Area Facility Review Act
(CAFRA), this index

CEA/WRA FACT SHEET

- Ground water, **Appx. C-7E(ii),
Appx. C-7E(iii)**

INDEX

CERTIFICATION OF REMEDIAL ACTIVITY COMPLIANCE

- Contacts, remediation certifications,
46:191
- Limited conveyance certificate,
46:209
- Occupancy certificate, Meadowlands
Commission, zoning/occupancy
certificate application, form,
46:78
- Remediation certifications, **46:190,**
46:191
- Timeframes for completion of certifi-
cation, **46:205**

CHANGE

- Ownership change
 - third party damage and owned
property exclusion, allocation
of liability, **46:342**
 - transactions that trigger ISRA
compliance, **46:186**
- Remediation standards, **46:305**

CHECKLISTS

- Forms, figures and tables contained
in this book, **46:2**
- Private well testing required
parameters, **46:275**
- Tank applications checklist,
Meadowlands Commission,
form, **46:85**

CLOSURE

- Underground storage tanks (UST),
46:228

COAH

- Meadowlands Commission, **46:76**

COASTAL AREA FACILITY REVIEW ACT (CAFRA)

- Generally, **46:49**

COASTAL REGULATIONS

- Generally, **46:50-46:66**
- Amendments
 - 2005-2006, **46:57**
 - 2008, **46:64**
 - 2009, **46:65**
 - 2013, **46:66**
- Centers, cores, and nodes, **46:62**

COASTAL REGULATIONS

—Cont'd

- DEP permit decision and appeal,
46:54
- Geotechnical borings and excavation
for determining contamination,
46:60
- Habitat creation, permit, **46:61**
- History of significant changes to
permit program, **46:56**
- Impervious cover limits and vegeta-
tive cover, **46:63**
- Jurisdictional determinations, **46:58**
- Management rules, **46:55**
- Permit application requirements,
46:53
- Permit program rules, **46:51**
- Pre-application review, **46:52**
- Structures, repair, replacement, and
renovation, **46:59**

COASTAL WETLANDS ACT OF 1970

- Generally, **46:47**

CONDEMNATION

- Development of contaminated prop-
erty, **46:308**
- Regulatory Takings, this index
- Valuation of contaminated property,
46:69

CONFIDENTIALITY OF PRIVATE WELL TESTING DATA

- Generally, **46:286**
- Limitation on release of results to
others, **46:284**

CONSENT

- Approval or Consent, this index

CONTACTS

- Brownfield and Contaminated Site
Remediation Act (BCSRA),
46:324
- Certifications, remediation, **46:191**
- Department of Environmental Protec-
tion, **46:9**
- Industrial Site Recovery Act (ISRA)
remediation certifications, **46:191**

CONTACTS—Cont'd

- Industrial Site Recovery Act (ISRA)
—Cont'd
- Remediation Funding Source
(RFS), **46:202**
- Radon information, **46:243**
- Remediation certifications, **46:191**
- Remediation Funding Source (RFS),
46:202

**CONTAMINATED PROPERTY
DEVELOPMENT/
REDEVELOPMENT**

- Generally, **46:296**
- Brownfield and Contaminated Site
Remediation Act (BCSRA), this
index
- Environmental Opportunity Zone
Act, **46:325**

CONTRACTUAL OBLIGATIONS

- Generally, **46:326**
- Agreement, environmental
indemnity, form, **46:346**
- Banking concerns, environmental,
46:345
- Covenants, this index
- Environmental indemnity agreement,
form, **46:346**
- Fixed cost
 - environmental release and settle-
ment agreement, form, **46:349**
 - remediation proposal, form,
46:348
- Indemnity obligations
 - environmental indemnity agree-
ment, form, **46:346**
 - Industrial Site Recovery Act
(ISRA), indemnity and
release of liability-Form,
46:221
- Industrial Site Recovery Act (ISRA),
indemnity and release of
liability-Form, **46:221**
- Insurance Coverage for
Environmental Claims, this
index
- Lead-based paint disclosure
lease-Form, **46:255**
sales contract-Form, **46:254**

**CONTRACTUAL OBLIGATIONS
—Cont'd**

- Radon contract disputes, **46:242**
- Release of liability
 - fixed cost environmental release
and settlement agreement,
form, **46:349**
- Industrial Site Recovery Act
(ISRA), indemnity and
release of liability-Form,
46:221
- Remediation proposal
 - fixed cost, form, **46:348**
 - request for proposal for cleanup,
form, **46:347**
- Request for proposal for cleanup,
form, **46:347**

COVENANTS

- Not to sue. Brownfield and Contami-
nated Site Remediation Act
(BCSRA), this index
- Seller's representations and cove-
nants under ISRA, form, **46:218**

CRIMINAL LIABILITY

- Generally, **46:357**

DAMAGES

- Generally, **46:112**
- Burden of proof, **46:115**
- Defenses to liability, natural
resources, **46:113, 46:169**
- Insurance coverage
 - first party damage claims, **46:333,**
46:334
 - third party damage claims, **46:336-**
46:342
- Loss of use damages, **46:114**
- Mitigation, freshwater wetlands dam-
ages, **46:44**
- Natural resource, **46:112-46:115,**
46:169
- Private party actions
 - generally, **46:158**
 - treble damages, **46:161**
- State actions, **46:153**
- Treble damages, **46:161**

INDEX

DE MINIMIS QUANTITY EXEMPTION

Remedial activity under ISRA,
46:208

DEED NOTICE

Flood hazard area verification, **Appx. B-42A**

Freshwater wetlands letter of interpretation, **Appx. B-4E**

Termination instruction, **Appx. C-11D(i), Appx. C-11D**

DEFENSES TO HAZARDOUS SUBSTANCE DISCHARGE LIABILITY

Generally, **46:164**

Damages, national resource, **46:169**

Exemption for Superfund sites,
46:172

Immunities, **46:168**

Innocent owner defense, **46:165-46:167**

Offsite contamination, **46:170**

Settlements, **46:171**

Statute of limitations, **46:173**

Statute of repose, **46:174**

Superfund site exemption, **46:172**

DEP GUIDE

Determining rule version applies
project, **Appx. B-1C**

DEP PROGRAMS

Organizational chart, **Appx. A-1**

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

Generally, **46:3**

Bring civil actions, **46:7**

Contacts, **46:9**

Enter upon lands, **46:6**

Freshwater wetlands protection,
scope of DEP authority, **46:26**

Industrial Site Recovery Act (ISRA),
DEP administration, **46:179**

Organization, **46:9**

Other divisions and councils, powers
over, **46:5**

Oversee remediation, **46:8**

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)—Cont'd

Powers, generally, **46:4-46:8**

Private well testing

DEP website, **46:276**

Submission of test results to DEP,
46:283

Programs, **46:9**

Site Remediation and Reform Act
(SRRA)

direct oversight by DEP, **46:131**

end of phase in, **46:136**

guidance of DEP, **46:135**

Website, **46:276**

DESIGN GUIDELINES

Meadowlands Commission plan,
46:87

DEVELOPMENT OR REDEVELOPMENT OF CONTAMINATED PROPERTY

Generally, **46:296**

Brownfield and Contaminated Site
Remediation Act (BCSRA), this
index

Environmental Opportunity Zone
Act, **46:325**

DIRECT ACTIONS BY STATE AGAINST INSURERS

Spill Compensation and Control Act,
46:152

DIRECT OVERSIGHT BY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Site Remediation and Reform Act
(SRRA), **46:131**

DIRECTIVES OF STATE

Spill Compensation and Control Act
actions, **46:151**

DISCIPLINARY ACTIONS

Site Remediation and Reform Act
(SRRA), **46:123**

DISCLOSURE

Lead-based paint
lease-Form, **46:255**

DISCLOSURE—Cont'd

Lead-based paint—Cont'd
sales contract-Form, **46:254**

DRINKING WATER

Private Well Testing Act, this index
Safe Drinking Water Act, **46:268-46:270**

DUE DILIGENCE

Hazardous substances discharges
liability, failure to perform due
diligence, **46:146**

DUTY

Asbestos litigation, **46:261**
Defend, insurance coverage for
environmental claims, **46:344**
Lead-based paint bodily injury
claims, household exposure to
non-tenants, **46:250**

EMERGENCY PERMITS

Freshwater wetlands protection,
46:42

ENGINEERING

Cleanup standards based on use-
engineering and institutional
controls, **46:302**

**ENVIRONMENTAL CONTROLS
ON LAND DEVELOPMENT**

Contractual and indemnity obliga-
tions, **46:326 et seq.**
Department of Environmental Protec-
tion (DEP), this index
Development of contaminated prop-
erty, **46:296 et seq.**
Hotlines, **46:10**
List of forms, figures and tables
contained in book, **46:2**
Natural resources controls, **46:11 et
seq.**
Overview, **46:1**
Pollution controls, **46:116 et seq.**
Reporting requirements and
environmental crimes, **46:350 et
seq.**

ENVIRONMENTAL GRACE ACT

Generally, **46:356**

ENVIRONMENTAL

OPPORTUNITY ZONE ACT

Generally, **46:325**

EVIDENCE

Damages, burden of proof, **46:115**
Private party actions, proofs required,
46:156
Proximate cause standard
asbestos injuries, **46:260**
lead-based paint injuries, **46:251**

EXEMPTIONS

De minimis quantity exemption
under ISRA, **46:208**
Freshwater Wetlands Protection Act,
46:28
Industrial Site Recovery Act (ISRA)
completion of remedial activity
timeframes
generally, **46:204**
de minimis quantity exemption,
46:208
what is not an industrial establish-
ment, **46:182**
Not an industrial establishment, what
is, **46:182**
Spill Compensation and Control Act,
exemptions for Superfund sites,
46:172
Underground storage tanks (UST),
46:223

EXPEDITED REVIEW PROCESS

Minimal environmental concern
under Industrial Site Recovery
Act (ISRA), **46:211**

FAILURE TO ACT

Hazardous substances discharge,
liability for, **46:142**

**FAILURE TO PERFORM DUE
DILIGENCE**

Hazardous substances discharges
liability, **46:146**

FEDERAL MATTERS

Lead-based paint, **46:246**

INDEX

FEES

Site Remediation and Reform Act (SRRA) board complaints, excessive fees, **46:125**

FIGURES CONTAINED IN BOOK

List of, **46:2**

FILL OPERATION

Meadowlands Commission, fill/stockpile operation application, form, **46:79**

FINANCIAL ASSURANCE (FA) UNDER ISRA

Generally, **46:195**
Permissible types of FA, **46:198**
When it may be terminated, **46:196**

FINANCIAL INCENTIVES

Remediation, **46:323**

FLOODS

Flood Hazard Area Control Act
generally, **46:89-46:92**
applicability determination, **46:92**
pre-application conference, **46:91**
regulated activities, **46:90**
Meadowlands Commission, flooding issues, **46:77**

FLOODS AND FLOODING

Deed notice, flood hazard area verification, **Appx. B-42A**

FORMS CONTAINED IN BOOK

List of, **46:2**

FRESHWATER WETLANDS PROTECTION ACT

Generally, **46:17-46:45**
Applications, **46:27**
Background, **46:11**
Classification of wetlands, **46:21**
Conflict with other Acts, **46:25**
Contingency—Form, **46:46**
Definitions, **46:20**
Dredged or fill material, discharge of, **46:34**
Emergency permits, **46:42**
Exceptional resource value wetlands protocols, **46:22**

FRESHWATER WETLANDS

PROTECTION ACT—Cont'd

Exceptional resource value, standard, **46:36**
Exemptions, **46:28**
General permits, **46:40**
How to identify, freshwater wetlands maps, **46:15**
Individual permits, **46:41**
Landscape maps, **46:23**
Law—Freshwater wetlands Protection Act, **46:17-46:45**
Letters of Interpretation (LOI), **46:29**
Maps
freshwater wetlands, **46:15**
landscape maps, **46:23**
Mitigation, **46:44**
No practical alternative standard, permits, **46:35**
Non-water dependent activities, permits, **46:35**
Penalties, **46:45**
Permits
generally, **46:30-46:42**
application and process, **46:31**
discharge of dredged or fill material, **46:34**
exceptional resource value, standard, **46:36**
no practical alternative standard, **46:35**
non-water dependent activities, **46:35**
objectors to applications and due process, **46:33**
transition areas, **46:37-46:39**
types of activities regulated, **46:32**
Property valuation, **46:43**
Regulated activity and permits, **46:30**
Regulations, **46:18**
Scope of DEP Authority, **46:26**
Table of NJAC 2001 citation changes, **46:19**
Transition areas, permits, **46:37-46:39**
Value
exceptional resource value wetlands protocols, **46:22**
property valuation, **46:43**

**FRESHWATER WETLANDS
PROTECTION ACT—Cont'd**

Vernal habitats, **46:24**
Waivers, transition areas, **46:39**

FUNDING

Private Well Testing Act, under,
46:290
Remediation Funding Source (RFS)
Under ISRA, this index
Spill Compensation and Control Act
generally, **46:176**
superfund sites, exemptions for,
46:172

GROUND WATER

CEA/WRA fact sheet, **Appx.**
C-7E(ii), Appx. C-7E(iii)
Quality standards
Generally, **46:111**
Remedial action permit application
application, **Appx. C-7A(i), Appx.**
C-7A(iii)
instructions, **Appx. C-7A(ii)**
termination, **Appx. C-7A(iv),**
Appx. C-7A(v)

HAZARDOUS SUBSTANCES

Pollution Controls, this index

HEATING OIL TANKS, HOME

Underground Storage Tanks (UST),
this index

**HIGHLANDS WATER
PROTECTION AND
PLANNING ACT**

Generally, **46:93-46:96**
Constitutionality, **46:96**
Exemptions, **46:95**
Regulations, **46:94**

**HISTORIC PESTICIDE
CONTAMINATION**

Generally, **46:294**

HOME HEATING OIL TANKS

Underground Storage Tanks (UST),
this index

HOTLINES

Environmental controls on land
development, **46:10**

IMMUNITIES

Hazardous substance discharge
liability defense, **46:168**

INCENTIVES

Remediation, financial and tax incen-
tives, **46:323**

INDEMNITY OBLIGATIONS

Environmental indemnity agreement,
form, **46:346**
Industrial Site Recovery Act (ISRA),
indemnity and release of
liability-Form, **46:221**

**INDUSTRIAL SITE RECOVERY
ACT (ISRA)**

Generally, **46:178 et seq.**
Alternate compliance instructions,
Appx. C-12A
Alternate compliance options
area of concern waiver, **46:213**
certificate of limited conveyance,
46:209
expedited review process, **46:211**
limited review process, **46:212**
minimal environmental concern,
46:210-46:212
Alternate compliance options form,
Appx. C-12
Certification of remedial activity
compliance
contacts, remediation certifica-
tions, **46:191**
limited conveyance certificate,
46:209
remediation certifications, **46:190,**
46:191
timeframes for completion of certi-
fication, **46:205**
Contacts
remediation certifications, **46:191**
remediation Funding Source
(RFS), **46:202**
Department of Environmental Protec-
tion (DEP) administration,
46:179
Establishments subject to ISRA,
industrial
generally, **46:180**

INDEX

INDUSTRIAL SITE RECOVERY ACT (ISRA)—Cont'd

- Establishments subject to ISRA,
industrial—Cont'd
 - exemptions-what is not an
industrial establishment,
46:182
 - what is an industrial establishment,
46:181
- Exemptions
 - generally, **46:204**
 - completion of remedial activity
timeframes
 - de minimis quantity exemption,
46:208
 - waivers and exemptions, **46:204**
 - de minimis quantity exemption,
46:208
 - waivers and exemptions, **46:204**
 - what is not an industrial establish-
ment, **46:182**
- Expedited review process, minimal
environmental concern, **46:211**
- Failure to comply and penalties,
46:214
- Financial Assurance (FA)
 - generally, **46:195**
 - permissible types of FA, **46:198**
 - when it may be terminated, **46:196**
- Forms
 - cleanup and nonapplicability
clauses-Contingency-Form,
46:216
 - environmental laws-seller's
representations and cove-
nants-Form, **46:218**
 - indemnity and release of liability-
Form, **46:221**
 - pro seller and pro purchaser
clauses-Contingency-Form,
46:217
 - provision favoring purchaser-
Form, **46:220**
 - provision favoring seller-Form,
46:219
- ISRA compliance, **46:188 et seq.**
- Limited review process, minimal
environmental concern, **46:212**

INDUSTRIAL SITE RECOVERY ACT (ISRA)—Cont'd

- Minimal environmental concern
 - generally, **46:210**
 - expedited review process, **46:211**
 - limited review process, **46:212**
- Permissible remediation funding
 - source types
 - generally, **46:197**
 - Financial Assurance (FA)-permis-
sible types of FA, **46:198**
 - Questionnaire-Form, **46:215**
- Remediation certifications
 - generally, **46:190**
 - contacts, **46:191**
 - limited conveyance certificate,
46:209
 - timeframes for completion of certi-
fication, **46:205**
- Remediation Funding Source (RFS)
 - amount of RFS, **46:199**
 - contacts, **46:202**
 - disbursement from RFS, **46:200**
 - persons not required to post,
46:193
 - persons required to post, **46:192**
 - surcharges, **46:201**
 - time to post, **46:194**
- Remediation requirements, **46:189 et
seq.**
- Timeframes for completion of reme-
dial activity
 - generally, **46:203**
 - de minimis quantity exemption,
46:208
 - regulated underground storage tank
waiver, **46:206**
 - remediation certification, **46:205**
 - remediation in progress waiver,
46:207
 - waivers and exemptions, **46:204**
- Transactions that trigger ISRA
 - compliance
 - generally, **46:183**
 - what does not trigger ISRA,
46:187
 - what is closing operations, **46:184**
 - what is transferring ownership or
operations, **46:185**

**INDUSTRIAL SITE RECOVERY
ACT (ISRA)—Cont'd**

Transactions that trigger ISRA
compliance—Cont'd
when is there a change in owner-
ship, **46:186**

Waivers
generally, **46:204**
area of concern waiver, **46:213**
regulated underground storage tank
waiver, **46:206**
remediation in progress waiver,
46:207

INNOCENT OWNER DEFENSE

Hazardous substance discharge
liability defense, **46:165-46:167**

**INSURANCE COVERAGE FOR
ENVIRONMENTAL CLAIMS**

Generally, **46:327-46:344**
Absolute pollution exclusion, **46:343**
Accidental pollution. Sudden and
accidental pollution exclusion,
below
Allocation of liability
excess insurance-Carter-Wallace,
46:335
first party damage claims, **46:334**
third party damage and owned
property exclusion
insured does not obtain all avail-
able coverage, **46:339**
property changes ownership,
46:342
Apportionment, third party damage
and owned property exclusion,
46:338
Deductibles for third party damage
claims, **46:340**
Duty to defend, **46:344**
Expected or intended environmental
harm- case-by-case coverage
analysis, **46:331**
First party damage claims
generally, **46:333**
allocation, **46:334**
Intended or expected environmental
harm- case-by-case coverage
analysis, **46:331**

**INSURANCE COVERAGE FOR
ENVIRONMENTAL CLAIMS**

—Cont'd

Owned property exclusion. Third
party damage and owned prop-
erty exclusion, below
Ownership change
Third party damage and owned
property exclusion
allocation of liability when
property changes owner-
ship, **46:342**
Response costs to remediate
environmental harm constitutes
property damage, **46:328**
Sudden and accidental pollution
exclusion
generally, **46:329**
history of CGL accident and occur-
rence -based policies, **46:330**
Third party damage and owned prop-
erty exclusion
generally, **46:336**
allocation of liability when prop-
erty changes ownership,
46:342
allocation when insured does not
obtain all available coverage,
46:339
apportionment, **46:338**
how to treat deductibles, **46:340**
impact to third-party triggers
coverage, **46:337**
non-cumulation clauses, **46:341**
Trigger of coverage, generally,
46:332 et seq.

ISRA

Industrial Site Recovery Act (ISRA),
this index

JOINT AND SEVERAL LIABILITY

Hazardous substances discharge
liability for, **46:149**
private party actions, **46:160**

JURISDICTION

Spill Compensation and Control Act,
private party actions, **46:162**

INDEX

KELO V. CITY OF NEW LONDON

Generally, **46:68**

LABELING

Home heating oil tanks, **46:239**

LANDSCAPE

Freshwater wetlands protection, landscape maps, **46:23**

Meadowlands Commission plan, landscape and open space design guidelines, form, **46:87**

LEAD-BASED PAINT

Generally, **46:245**

Bodily injury claims for household exposure. Litigation, below

Contingency-Form, **46:256**

Disclosure

lease-Form, **46:255**

sales contract-Form, **46:254**

Duty to non-tenants, **46:250**

Exclusion and coverage issues, **46:252**

Federal laws, **46:246**

Lease

disclosure-Form, **46:255**

duty to non-tenants, **46:250**

Litigation

generally, **46:248**

exclusion and coverage issues, **46:252**

non-tenants, **46:250**

proximate cause, **46:251**

Non-tenants, duty to, **46:250**

Pamphlet, **46:257**

Penalties, **46:253**

Pollution exclusion and coverage issues, **46:252**

Proximate cause, **46:251**

Sales contract, disclosure-Form, **46:254**

State laws, **46:247**

LEASES

Lead-based paint disclosure, form, **46:255**

Private Well Testing Act, application to lessors, **46:273**

LETTERS

Brownfield and Contaminated Site Remediation Act (BCSRA), no further action letters, **46:309**, **46:310**

Freshwater wetlands protection, Letters of Interpretation (LOI), **46:29**

Home heating oil tanks, no further action letters, **46:236**

No Further Action Letters, this index

LETTERS OF INTERPRETATION (LOI)

Freshwater wetlands protection, **46:29**

LIMITATION ON RELEASE

Private well testing results, release to others, **46:284**

LIMITATIONS, STATUTE OF

Statute of Limitations, this index

LIMITED CONVEYANCE CERTIFICATE

Remedial activity compliance, **46:209**

LIMITED REVIEW PROCESS

Minimal environmental concern, **46:212**

LISTS

Forms, figures and tables contained in book, **46:2**

Private well testing required parameters, **46:275**

LITIGATION

Asbestos, **46:259-46:261**

Covenants not to sue. Brownfield and Contaminated Site Remediation Act (BCSRA), this index

Evidence, this index

Hazardous substance discharge

Private Party Actions, this index

State Actions, this index

Lead-based paint, **46:248-46:252**

Mold-theories of liability, **46:265**

LOSS OF USE DAMAGES

Generally, **46:114**

MAPS

- Freshwater wetlands maps, **46:15**
- Landscape maps, **46:23**

MEADOWLANDS COMMISSION

- Generally, **46:71**
- Approval and permit process, **46:72**
- Approval application as to subdivision, form, **46:82**
- Checklist for tank applications, form, **46:85**
- COAH, **46:76**
- Fill/stockpile operation application, form, **46:79**
- Flooding, **46:77**
- Landscape and open space design guidelines, form, **46:87**
- Open space
 - design guidelines, form, **46:87**
 - plan requirements, form, **46:86**
- Preemption, **46:74**
- Regulations
 - generally, **46:75**
 - subdivision regulations waiver application, form, **46:83**
 - variance from zoning regulations application, form, **46:84**
- Rezoning request application, form, **46:80**
- Special exception application, form, **46:81**
- Standard of review and appeal, **46:73**
- Stockpile operation application, form, **46:79**
- Subdivision approval application, form, **46:82**
- Subdivision regulations waiver application, form, **46:83**
- Tank applications checklist, form, **46:85**
- Variance from zoning regulations application, form, **46:84**
- Zoning
 - occupancy certificate application, form, **46:78**
 - rezoning request application, form, **46:80**
 - variance from zoning regulations application, form, **46:84**

MINIMAL ENVIRONMENTAL CONCERN

- Generally, **46:210**
- Expedited review process, **46:211**
- Limited review process, **46:212**

MITIGATION

- Freshwater wetlands protection, **46:44**

MOLD

- Generally, **46:263**
- Contingency-Form, **46:267**
- Hazards of mold and guidance, **46:264**
- Litigation-Theories of liability, **46:265**
- Proposed legislation, **46:266**

MUNICIPAL

- Ordinances, stormwater, **46:108**
- Permitting, stormwater, **46:105**

NATURAL RESOURCES CONTROLS

- Generally, **46:11-46:115**
- Coastal Area Facility Review Act (CAFRA), **46:49**
- Coastal regulations, **46:50-46:66**
- Coastal Wetlands Act of 1970, **46:47**
- Damages, generally, **46:112-46:115**
- Flood Hazard Area Control Act, **46:89-46:92**
- Freshwater Wetlands Protection Act, **46:17-46:45**
- Highlands Water Protection and Planning Act, **46:93-46:96**
- Meadowlands Commission, New Jersey, **46:71-46:87**
- Pinelands Protection Act, **46:88**
- Regulatory takings, **46:67-46:69**
- State planning and environmental laws
 - generally, **46:70**
 - Flood Hazard Area Control Act, **46:89-46:92**
 - Highlands Water Protection and Planning Act, **46:93-46:96**
 - Meadowlands Commission, New Jersey, **46:71-46:87**
 - Pinelands Protection Act, **46:88**

INDEX

NATURAL RESOURCES

CONTROLS—Cont'd

Water quality, **46:97-46:111**

Waterfront Development Act, **46:48**

Wetlands protection, **46:11-46:46**

NEW JERSEY MEADOWLANDS COMMISSION

Meadowlands Commission, this index

NEXUS

Hazardous substances discharges liability, **46:147**

NO FURTHER ACTION LETTERS

Generally, **46:309, 46:310**

Home heating oil tanks, **46:236**

NOT TO SUE COVENANTS

Brownfield and Contaminated Site Remediation Act (BCSRA), this index

OCCUPANCY CERTIFICATE

Meadowlands Commission, zoning/occupancy certificate application, form, **46:78**

OFFICE OF BROWNFIELD REUSE

Generally, **46:307**

OFFSITE CONTAMINATION

Hazardous substance discharge liability defense, **46:170**

OPEN SPACE, MEADOWLANDS COMMISSION PLAN

Design guidelines, form, **46:87**

Requirements, form, **46:86**

ORDINANCES, STORMWATER

Generally, **46:108**

OVERSIGHT BY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Site Remediation and Reform Act (SRRA), **46:131**

OVERVIEW OF

ENVIRONMENTAL CONTROLS ON LAND DEVELOPMENT

Generally, **46:1**

OWNED PROPERTY EXCLUSION

Insurance Coverage for Environmental Claims, this index

OWNER INNOCENT DEFENSE

Hazardous substance discharge liability defense, **46:165-46:167**

OWNERSHIP CHANGE

Third party damage and owned property exclusion, allocation of liability, **46:342**

Triggering ISRA compliance, **46:186**

PASSIVE MIGRATION

Hazardous substances discharges liability, **46:140**

PENALTIES

Freshwater Wetlands Protection Act, **46:45**

Industrial Site Recovery Act (ISRA) noncompliance, **46:214**

Lead-based paint, **46:253**

Safe Drinking Water Act, **46:269, 46:270**

Spill Compensation and Control Act, **46:175**

PERMITS

Freshwater wetlands protection, **46:30-46:42**

Meadowlands Commission permit process, **46:72**

Stormwater, municipal permitting, **46:105**

Underground storage tanks, **46:229**

PESTICIDES

Historic pesticide contamination, **46:294**

PINELANDS PROTECTION ACT

Generally, **46:88**

POLLUTION CONTROLS

Generally, **46:116 et seq.**

Asbestos, **46:258-46:262**

Development/Redevelopment of Contaminated Property, this index

POLLUTION CONTROLS—Cont'd

Environmental Opportunity Zone Act, **46:325**
 Hazardous substances, generally, **46:116**
 Historic pesticide contamination, **46:294**
 Industrial Site Recovery Act, **46:178-46:221**
 Lead-based paint, **46:245-46:257**
 Mold, **46:263-46:267**
 Pressure-treated wood, **46:295**
 Private Well Testing Act, **46:271-46:293**
 Radon, **46:241-46:244**
 Safe Drinking Water Act, **46:268-46:270**
 Site Remediation and Reform Act (SRRA), **46:117-46:135**
 Spill Compensation and Control Act, **46:137-46:177**
 Underground storage tanks, **46:222-46:240**

PREEMPTION

Meadowlands Commission, **46:74**
 Private well testing, no preemption of other testing, **46:287**

PRESSURE-TREATED WOOD

Generally, **46:295**

PRIVATE PARTY ACTIONS, HAZARDOUS SUBSTANCE DISCHARGE

Generally, **46:155**
 Allocation, **46:159**
 Damages, **46:158**
 Defenses, **46:157**
 Joint and several liability, **46:160**
 Jurisdiction, **46:162**
 Proofs required, **46:156**
 Treble damages, **46:161**
 Written approval, **46:162**

PRIVATE WELL TESTING ACT

Generally, **46:271-46:293**
 Annual reviews, **46:277**
 Applicability, generally, **46:272**

PRIVATE WELL TESTING ACT—Cont'd

Confidentiality of data
 generally, **46:286**
 limitation on release of results to others, **46:284**
 Contingency-Form, **46:293**
 Department of Environmental Protection (DEP)
 submission of test results to, **46:283**
 website, **46:276**
 Drinking water standards, primary and secondary, **46:292**
 Exclusion of parameters, **46:278**
 Form of notification, **46:281**
 Funding, **46:290**
 Impact on real estate transactions, **46:289**
 Limitation on release of results to others, **46:284**
 List of required parameters, **46:275**
 Local health authorities, notification to, **46:282**
 No preemption of other testing, **46:287**
 Notification
 form of, **46:281**
 when parameter detected, to person requesting test and local health authorities, **46:282**
 Other testing, no preemption of, **46:287**
 Parameters
 exclusion of, **46:278**
 list of required parameters, **46:275**
 that must be tested, **46:274**
 Payment for testing, who must pay, **46:288**
 Primary and secondary drinking water standards, **46:292**
 Release, results to others, limitation on, **46:284**
 State-wide tests results, **46:291**
 Submission of test results to DEP, **46:283**
 Test results
 failures-reporting requirements, **46:285**

INDEX

PRIVATE WELL TESTING ACT —Cont'd

- Test results—Cont'd
 - limitation on release to others, **46:284**
 - state-wide, **46:291**
 - submission to DEP, **46:283**
 - time period valid, **46:279**
- Time period test results are valid, **46:279**
- When is it applicable, **46:272**
- Who may perform tests, **46:280**
- Who must pay for testing in real estate transaction, **46:288**

PROOF

- Evidence, this index

PROXIMATE CAUSE STANDARD

- Asbestos injuries, **46:260**
- Lead-based paint injuries, **46:251**

RADON

- Generally, **46:241**
- Contact information, **46:243**
- Contingency-Form, **46:244**
- Contract disputes, **46:242**

RAOS

- Response Action Outcomes (RAOs), this index

REDEVELOPMENT OF CONTAMINATED PROPERTY

- Generally, **46:296 et seq.**
- Brownfield and Contaminated Site Remediation Act (BCSRA), this index
- Environmental Opportunity Zone Act, **46:325**

REGISTRATION

- Underground storage tanks (UST), **46:224**

REGULATIONS

- Coastal, **46:50-46:66**
- Freshwater wetlands protection generally, **46:18**
- activity and permits, regulated, **46:30**

REGULATIONS—Cont'd

- Meadowlands Commission generally, **46:75**
- subdivision regulations waiver application, form, **46:83**
- variance from zoning regulations application, form, **46:84**
- Natural resources controls
 - coastal regulations, **46:50-46:66**
 - regulatory takings, **46:67-46:69**
- Underground storage tank remedial activity waiver, **46:206**

REGULATORY TAKINGS

- Generally, **46:67**
- Kelo v. City of New London, **46:68**
- Valuation of contaminated property in condemnation proceedings, **46:69**

RELEASE OF LIABILITY

- Brownfield and contaminated site remediation generally, **46:314**
- acquiring property with knowledge of contamination, **46:317**
- no release for persons liable under Spill Act-defense when acquiring property after September 14, 1993, **46:315**
- Contractual and indemnity obligations
 - fixed cost environmental release and settlement agreement, form, **46:349**
- Industrial Site Recovery Act (ISRA), indemnity and release of liability-Form, **46:221**

REMEDIAL ACTION PERMIT APPLICATION

- Contact information, **Appx. C-7G(i)**
- Groundwater, **Appx. C-7A**
 - application, **Appx. C-7A(iii)**
 - instructions, **Appx. C-7A(ii)**
 - termination, **Appx. C-7A(iv)**, **Appx. C-7A(v)**
- Property ownership transfer, **Appx. C-7F(i)**

**REMEDIAL ACTION PERMIT
APPLICATION—Cont'd**

Soil
application, **Appx. C-7C**
instructions, **Appx. C-7B, Appx.
C-7C(i), Appx. C-7C(ii)**
termination, **Appx. C-7C(iii),
Appx. C-7C(iv)**

**REMEDIAL ACTION
PROTECTIVENESS**

Groundwater
biennial certification, **Appx.
C-11B(i), Appx. C-11B**

Soil
biennial certification, **Appx.
C-11C(i), Appx. C-11C**

REMEDATION CERTIFICATIONS

Generally, **46:190**
Contacts, **46:191**
Limited conveyance certificate,
46:209
Timeframes for completion of certi-
fication, **46:205**

**REMEDATION FUNDING
SOURCE (RFS) UNDER ISRA**

Amount of RFS, **46:199**
Contacts, **46:202**
Disbursement from RFS, **46:200**
Persons not required to post certifica-
tion, **46:193**
Persons required to post certification,
46:192
Surcharges, **46:201**
Time to post, **46:194**

**REMEDATION IN PROGRESS
WAIVER UNDER ISRA**

Generally, **46:207**

REMEDATION LAWS

Brownfield and Contaminated Site
Remediation Act (BCSRA),
46:297 et seq.
Site Remediation and Reform Act
(SRRA), **46:117-46:135**

REMEDATION PROPOSAL

Fixed cost, form, **46:348**
Request for, form, **46:347**

**REMEDATION PROPOSAL
—Cont'd**

Unregulated Heating Oil Tank
Program (UHOT), **Appx.
C-19A, Appx. C-19B**

**REMEDATION RESPONSE
ACTION**

Outcome letter, **Appx. C-7E(i)**

REMEDATION STANDARDS

Generally, **46:301**
Alternative, **46:303**
Brownfield and Contaminated Site
Remediation Act (BCSRA),
46:297 et seq.
Challenges to, **46:306**
Change in, **46:305**
Engineering and institutional
controls, **46:302**
Minimum standards, generally,
46:300

RENEWAL

Underground storage tanks (UST),
46:224

REPORTING REQUIREMENTS

Generally, **46:350**
Criminal liability, **46:357**
Environmental Grace Act, **46:356**
Hazardous Substances Discharge
Reports and Notices Act, **46:352**
How to report, **46:355**
Private well test failures, **46:285**
Site Remediation and Reform Act
(SRRA), **46:351**
Spill Compensation and Control Act,
46:353
Underground storage tanks, **46:230,
46:231**
When to report, **46:354**
Where to report, **46:355**

REPOSE, STATUTE OF
Defenses to liability, **46:174**

**RESPONSE ACTION OUTCOMES
(RAOS)**

Brownfield and Contaminated Site
Remediation Act (BCSRA),
46:311
generally, **46:311**

INDEX

RESPONSE ACTION OUTCOMES (RAOS)—Cont'd

Brownfield and Contaminated Site Remediation Act (BCSRA), **46:311**—Cont'd
no further action letters, response action outcomes and covenants not to sue, **46:309**
when can a response action outcome be issued, **46:312**
Site Remediation and Reform Act (SRRA), **46:126**

RESPONSE COSTS TO REMEDIATE ENVIRONMENTAL HARM Generally, **46:328**

RETENTION RELEASE FORM Instructions, online, **Appx. C-9(iv)**

REZONING Request application, form, **46:80**

ROADSIDE POLLUTANTS Water quality protection, **46:106**

SAFE DRINKING WATER ACT Generally, **46:268** Penalties, **46:269** Penalty matrix, **46:270**

SETTLEMENTS Brownfield and Contaminated Site Remediation Act (BCSRA), settlements with the state, **46:321** Contractual and indemnity obligations, fixed cost, environmental release and settlement agreement, form, **46:349** Hazardous substance discharge liability defense, **46:168** Spill Compensation and Control Act, defense to liability, **46:171**

SITE REMEDIATION AND REFORM ACT (SRRA) Generally, **46:117-46:135** Administrative requirements for Remediation of Contaminated Sites (ARRCS) generally, **46:133**

SITE REMEDIATION AND REFORM ACT (SRRA) —Cont'd Administrative requirements for Remediation of Contaminated Sites (ARRCS)—Cont'd final rule adoption—May 7, 2012, **46:134** Audits, **46:127** Board complaints generally, **46:124** excessive fees, **46:125** Department of environmental Protection (DEP) guidance, **46:135** oversight by, **46:131** Disciplinary actions, **46:123** End of phase in, **46:136** Excessive fees, board complaints, **46:125** Final rule adoption—May 7, 2012, **46:134** Licensing application process, **46:121** Licensing board, **46:119** Licensing program generally, **46:118** powers of, **46:120** Mandatory notification requirements, **46:130** Mandatory remediation obligations, **46:129** Mandatory timeframes, **46:128** Non-LSRPs, use of, **46:132** Notification requirements, mandatory, **46:130** Obligations, mandatory remediation obligations, **46:129** Oversight by DEP, direct, **46:131** Powers of licensing program, **46:120** Professional obligations of LSRPs, **46:122** Remediation obligations, mandatory, **46:129** Reporting requirements, **46:351** Response Action Outcomes (RAOs), **46:126** Timeframes, mandatory, **46:128** Use of non-LSRPs, **46:132**

SOIL

Remedial action permit application instructions, **Appx. C-7C(i)**,
Appx. C-7C(ii)
termination, **Appx. C-7C(iii)**,
Appx. C-7C(iv)

SPILL COMPENSATION AND CONTROL ACT

Generally, **46:137-46:177**
Compensation Fund, Spill, **46:176**
Damages
 defenses to liability, **46:169**
 private party actions, **46:158**,
 46:161
 state actions, **46:153**
 treble, **46:161**
Defenses to liability
 generally, **46:164**
 exemptions for Superfund sites,
 46:172
 immunities, **46:168**
 innocent owner defense, **46:165-**
 46:167
 national resource damages, **46:169**
 offsite contamination, **46:170**
 settlements, **46:171**
 statute of limitations, **46:173**
 statute of repose, **46:174**
 Superfund sites, exemptions for,
 46:172
Joint and several liability
 liability for discharges of hazardous substances, **46:149**
 private party actions, **46:160**
Liability for discharges of hazardous substances
 generally, **46:138 et seq.**
 affirmative acts not required,
 46:145
 cleanup costs, **46:148**
 defenses. Defenses to liability,
 above
 discharge, **46:139**
 failure to act as basis for liability,
 46:142
 failure to perform due diligence as
 basis of liability, **46:146**

SPILL COMPENSATION AND CONTROL ACT—Cont'd

Liability for discharges of hazardous substances—Cont'd
 hazardous substances, generally,
 46:141
 in any way responsible
 generally, **46:143**
 ownership and control, **46:144**
 joint and several liability, **46:149**,
 46:160
 nexus requirement, **46:147**
 passive migration, **46:140**
Penalties, **46:175**
Private party actions
 generally, **46:155**
 allocation, **46:159**
 damages, **46:158**
 defenses, **46:157**
 joint and several liability, **46:160**
 jurisdiction, **46:162**
 proofs required, **46:156**
 treble damages, **46:161**
 written approval, **46:162**
Reporting requirements, **46:353**
State actions
 generally, **46:150**
 damages, **46:153**
 direct actions against insurers,
 46:152
 directives, **46:151**
 statute of limitations, **46:154**
Statute of limitations
 defenses to liability, **46:173**
 state actions, **46:154**
Successor liability, **46:163**
Superfund sites, liability defenses,
 46:172
Superlien provisions, **46:177**

SRRA

Site Remediation and Reform Act (SRRA), this index

STANDARD OF REVIEW

Meadowlands Commission, **46:73**

STATE ACTIONS, HAZARDOUS SUBSTANCE DISCHARGE

Generally, **46:150**

INDEX

STATE ACTIONS, HAZARDOUS SUBSTANCE DISCHARGE —Cont'd

Damages, **46:153**
Direct actions against insurers,
46:152
Directives, **46:151**
Statute of limitations, **46:154**

STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Department of Environmental Protec-
tion (DEP), this index

STATE PLANNING AND ENVIRONMENTAL LAWS

Generally, **46:70**
Flood Hazard Area Control Act,
46:89-46:92
Highlands Water Protection and Plan-
ning Act, **46:93-46:96**
Meadowlands Commission, New
Jersey, **46:71-46:87**
Pinelands Protection Act, **46:88**

STATE-WIDE TESTS RESULTS

Private Well Testing Act, **46:291**

STATUTE OF LIMITATIONS

Brownfield and Contaminated Site
Remediation Act (BCSRA),
46:322
Spill Compensation and Control Act
defenses to liability, **46:173**
state actions, **46:154**

STATUTE OF REPOSE

Spill Compensation and Control Act,
defense to liability, **46:174**

STOCKPILE OPERATION

Meadowlands Commission, fill/
stockpile operation application,
form, **46:79**

STORAGE TANKS UNDERGROUND

Underground Storage Tanks (UST),
this index

STORMWATER

Water Quality Protection, this index

SUCCESSOR LIABILITY

Spill Compensation and Control Act,
46:163

SUDDEN AND ACCIDENTAL POLLUTION

Generally, **46:329**
History of CGL accident and occur-
rence-based policies, **46:330**

SUPERFUND SITES

Generally, **46:172**

SUPERLIEN

Spill Compensation and Control Act
provisions, **46:177**

SURFACE WATER QUALITY STANDARDS

Generally, **46:110**
Category one (C1) waters, **46:104**

TABLE

NJAC 2001 citation changes to
Freshwater Wetlands Protection
Act, **46:19**

TABLES CONTAINED IN BOOK

List of, **46:2**

TAX INCENTIVES

Remediation, **46:323**

TERMINATION

Financial Assurance (FA) under
ISRA, **46:196**

THIRD PARTY DAMAGE EXCLUSION

Insurance Coverage for
Environmental Claims, this
index

TIME

Private well testing, validity of test
results time period, **46:279**
Remedial activity completion
timeframes. Industrial Site
Recovery Act (ISRA), this index
Remediation Funding Source (RFS),
time to post, **46:194**
Site Remediation and Reform Act
(SRRA), mandatory timeframes,
46:128

**TOXIC AND HAZARDOUS
SUBSTANCES**

Pollution Controls, this index

**TRANSFERRING OWNERSHIP OR
OPERATIONS**

Transactions that trigger ISRA
compliance, **46:185**

TREBLE DAMAGES

Generally, **46:161**

**UNDERGROUND STORAGE
TANKS (UST)**

Generally, **46:222 et seq.**
Applicability and exemptions, **46:223**
Closure requirements, **46:228**
Contingency clauses-Forms, **46:240**
Home heating oil tanks
generally, **46:234**
labeling requirements, **46:239**
LSRP is not required, **46:235**
processing of remediation and No
Further Action ("NFA") let-
ters, **46:236**
special conditions when UHOT
program is inapplicable,
46:237
system remediation rules,
46:239.50
vapor intrusion, **46:238**
Labeling home heating oil tanks,
46:239
New tanks standards, **46:226**
Operation, maintenance and permit
requirements, **46:229**
Registration and renewal require-
ments, **46:224**
Release detection and reporting
requirements
generally, **46:230**
suspected releases, **46:231**
Services on USTs, who may perform,
46:232
System remediation rules, home heat-
ing oil tanks, **46:239.50**
Technical requirements
generally, **46:225**
standards for new tanks, **46:226**

**UNDERGROUND STORAGE
TANKS (UST)—Cont'd**

Underground Storage Tank Finance
Act, **46:233**
Upgrading existing tanks, **46:227**
Waiver under Industrial Site
Recovery Act (ISRA), **46:206**
Who may perform services on USTs,
46:232

**UNREGULATED HEATING OIL
TANK PROGRAM (UHOT)**

Remediation, Appx. C-19A, Appx.
C-19B

USE DAMAGES, LOSS OF USE

Generally, **46:114**

**USE-BASED CLEANUP
STANDARDS**

Engineering and institutional
controls, **46:302**

UST

Underground Storage Tanks (UST),
this index

VALUE

Freshwater wetlands protection
exceptional resource value
wetlands protocols, **46:22**
property valuation, **46:43**
Regulatory takings, valuation of con-
taminated property in
condemnation proceedings,
46:69

VARIANCE

Brownfield and contaminated site
remediation, investigation stan-
dards-flexible approach and
variance procedure, **46:299**
Meadowlands Commission, variance
from zoning regulations applica-
tion, form, **46:84**

WAIVERS

Freshwater Wetlands Protection Act,
transition areas and activities
permits, **46:39**
Industrial Site Recovery Act (ISRA)
generally, **46:204**

INDEX

WAIVERS—Cont'd

- Industrial Site Recovery Act (ISRA)
 - Cont'd
 - regulated underground storage tank waiver, **46:206**
 - remediation in progress waiver, **46:207**
- Meadowlands Commission, subdivision regulations waiver application, form, **46:83**

WATER QUALITY PROTECTION

- Background, **46:97**
- Drinking water protection
 - Private Well Testing Act, this index
 - Safe Drinking Water Act, **46:268-46:270**
- Freshwater Wetlands Protection, this index
- Ground Water Quality Standards (GWQS), **46:111**
- Highlands Water Protection and Planning Act
 - generally, **46:93-46:96**
 - constitutionality, **46:96**
 - exemptions, **46:95**
 - regulations, **46:94**
- Municipal ordinances, **46:108**
- Municipal permitting, **46:105**
- New Jersey Pollutant Discharge Elimination System rules, **46:99**
- Roadside pollutants, **46:106**
- Rules of New Jersey Pollutant Discharge Elimination System, **46:99**
- Standards
 - generally, **46:109**
 - Ground Water Quality Standards (GWQS), **46:111**
 - Surface Water Quality Standards (SWQS), **46:110**
- Stormwater
 - generally, **46:98**
 - application of management rules, **46:101**
 - challenges to rules, **46:107**
 - management rules, **46:100-46:108**
 - municipal ordinances, **46:108**
 - municipal permitting, **46:105**

WATER QUALITY PROTECTION—Cont'd

- Stormwater—Cont'd
 - roadside pollutants, **46:106**
 - surface water quality standards—category one (C1) waters, **46:104**
- Surface water quality standards
 - generally, **46:110**
 - category one (C1) waters, **46:104**
- Waterfront Development Act, **46:48**
- Well water testing, Private Well Testing Act, this index
- Wetlands Protection, this index

WATERFRONT DEVELOPMENT ACT

- Generally, **46:48**

WELL WATER

- Easements, this index
- Private Well Testing Act, this index

WETLANDS

- Deed notice, freshwater wetlands letter of interpretation, **Appx. B-4E**

WETLANDS PROTECTION

- Generally, **46:11 et seq.**
- Coastal Area Facility Review Act (CAFRA), **46:49**
- Coastal regulations
 - generally, **46:50-46:66**
 - amendments
 - 2005-2006, **46:57**
 - 2008, **46:64**
 - 2009, **46:65**
 - 2013, **46:66**
 - centers, cores, and nodes, **46:62**
 - DEP permit decision and appeal, **46:54**
 - geotechnical borings and excavation for determining contamination, **46:60**
 - habitat creation, permit, **46:61**
 - history of significant changes to permit program, **46:56**
 - impervious cover limits and vegetative cover, **46:63**

WETLANDS PROTECTION

—Cont'd

- Coastal regulations—Cont'd
 - jurisdictional determinations, **46:58**
 - management rules, **46:55**
 - permit application requirements, **46:53**
 - permit program rules, **46:51**
 - pre-application review, **46:52**
 - structures, repair, replacement, and renovation, **46:59**
- Coastal Wetlands Act of 1970, **46:47**
- Freshwater Wetlands Protection, this index
- How to identify wetlands
 - generally, **46:13**
 - freshwater wetlands maps, **46:15**
 - navigable waters, **46:16**

WETLANDS PROTECTION

—Cont'd

- How to identify wetlands—Cont'd
 - three-parameter approach, **46:14**
 - What are wetlands, **46:12-46:16**
- WOOD, PRESSURE-TREATED**
 - Generally, **46:295**
- WRITING**
 - Hazardous substance discharge, written approval for private party actions, **46:162**
- ZONING, MEADOWLANDS COMMISSION**
 - Occupancy certificate application, form, **46:78**
 - Rezoning request application, form, **46:80**
 - Variance from zoning regulations application, form, **46:84**